

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, JANUARY 24, 2005

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:00 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.

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATION

1. City-Wide Neighborhood Committee Re: Save the Old State House Donations

Robin McIntosh, Chair of the City-Wide Neighborhood Committee presented Mayor Sirrell with a \$300.00 donation for Save the Old State House.

Assistant Mayor Grasso moved to approve and accept the \$300.00 donation for Save the Old State House. Seconded by Councilor Whitehouse and voted.

V. ACCEPTANCE OF MINUTES – JANUARY 10, 2005

Councilor Pantelakos moved to accept and approve the minutes of the January 10, 2005 City Council meeting. Seconded by Councilor Whitehouse. Councilor Whitehouse moved to amend the second sentence of John O'Leary's statement under public comment session to say the following: *He said that through the deconstruction process 90% of the previous building is being recycled.* Seconded by Councilor St. Laurent and voted. Voted to pass main motion as amended.

VI. PUBLIC COMMENT SESSION

Denise Greeley spoke to the dangers of crossing Islington Street and requested that the City consider installing a traffic light at the corner of Bridge Street and Islington Street. She said that area is hazardous and there needs to be a light to allow for pedestrians to cross the road safely. She also addressed the issue of speeders along Islington Street and the need for Police enforcement.

VII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donation to the Portsmouth Police Honor Guard from the St. Andrews Lodge in the amount of \$600.00

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

- B. Acceptance of Donation to the Portsmouth Police Department from the Wal-Mart Foundation in the amount of \$1,375.00

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

- C. Acceptance of Donation to the New Library Building Fund

Councilor Ferrini moved to approve and accept the donation to the New Library Building Fund as listed. Seconded by Assistant Mayor Grasso and voted.

- D. Acceptance of 2005 Local Source Water Protection Grant

Councilor Pantelakos moved to authorize the City Manager to enter into and approve a grant agreement with New Hampshire Department of Environmental Services in the amount of \$15,000 to the City of Portsmouth and to authorize the City Manager to sign such grant agreement on behalf of the City. Seconded by Assistant Mayor Grasso and voted.

VIII. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Kathie Lynch, Portsmouth Little League, Inc., requesting permission to install temporary signage at the Plains and Hislop Park baseball fields from May 1, 2005 through July 31, 2005 or the end of the tournament season

Councilor Pantelakos moved to authorize the Portsmouth Little League to place temporary signage at the Plains and Hislop Park baseball fields during the 2005 baseball season with the signs facing inside the field. Seconded by Councilor Whitehouse and voted.

- B. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the 15th Annual Children's Day on Sunday, May 1, 2005

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

- C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the 28th Annual Market Square Day on Saturday, June 11, 2005

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

D. Letter from Islington Street residents requesting repairs to the Powder House

City Manager Bohenko referred to the memorandum from Public Works Director Parkinson relative to putting this item out to bid in 2002 to nine companies and receiving no responses. He advised the City Council that we would seek out those companies that specialize in this type of work and notify you of the cost and funding mechanism for the repairs.

Assistant Mayor Grasso moved to instruct the City Manager to send a letter to the residents with a copy of the memorandum from Public Works Director Parkinson regarding this matter. Seconded by Councilor Pantelakos and voted.

E. Letter from Islington Street residents requesting funding in the capital improvement plan for the installation of sidewalks on Islington Street

City Manager Bohenko advised the City Council that he would send a letter to the residents notifying them of the public hearing on the capital improvement plan and their ability to request the City Council consider funding for installing sidewalks on Islington Street.

Councilor St. Laurent asked if CDBG funding could be used for the installation of sidewalks. City Manager Bohenko advised Councilor St. Laurent that it would not qualify under CDBG.

Councilor Whitehouse asked City Manager Bohenko to report back to the City Council on the approximate cost to install sidewalks on Islington Street. City Manager Bohenko reported that it would cost approximately \$306,000.00 according to Public Works Director Parkinson. City Manager Bohenko advised the City Council that this would require a comprehensive study and Phase II of the Islington Street Corridor Study would be conducted.

Councilor St. Laurent moved to instruct the City Manager to send a letter to the residents advising them to speak during the public hearing on the Capital Improvement Plan at the March 21st City Council meeting on this request. Seconded by Assistant Mayor Grasso and voted.

F. Letter from Attorney Peter Saari proposing to give the alleyway in the rear of the Wenberry Property running from Fleet Street to Haven Court to the City

Assistant Mayor Grasso moved to refer to the Planning Board for a report back. Seconded by Councilor Pantelakos and voted.

G. Letter from Wendy Noyes, AIDS Response Seacoast, requesting permission to hold the annual Seacoast AIDS Walk on Sunday, May 1, 2005 from 11:00 a.m. – 4:00 p.m.

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

- H. Letter from Attorney Bernard Pelech regarding Avanti Development and conveyance of land

Councilor Marchand moved to refer to the Planning Board for a report back. Seconded by St. Laurent and voted.

- I. Letter from Susanne Delaney, Portsmouth Criterium Race Committee 2005, requesting permission to present their proposal at the February City Council meeting on returning the Portsmouth Criterium to the downtown on Sunday, September 18, 2005

Councilor Raynolds moved to refer the matter to the City Manager for placement on the agenda for the February City Council meeting and arrange for their audio and visual needs as requested. Seconded by Councilor Pantelakos and voted.

- J. Letter from Shaun Rafferty regarding whether archeological experts are needed at sites where historic buildings are demolished or where new foundations are being dug in historically significant areas of the city

Assistant Mayor Grasso moved to refer to Planning Department for a report back. Seconded by Councilor Pantelakos and voted.

- K. Letter from Whitney Duprey, Student Council President and Mary Carey Foley, Student Council Adviser, requesting permission to hold Student Government Day on Wednesday, March 30, 2005 (Not on agenda)

Councilor Whitehouse moved to approve the request and schedule March 30, 2005 as Student Government Day. Seconded by Assistant Mayor Grasso and voted.

IX. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request to Reschedule February 7, 2005 City Council Meeting

Councilor Whitehouse moved to reschedule the February 7, 2005 City Council meeting to February 14, 2005. Seconded by Assistant Mayor Grasso and voted.

- 2. Proposed Temporary License Agreement Re: Hilton Gardens

City Manager Bohenko said he addressed this matter in his memorandum to the City Council. Hilton Gardens will be commencing construction and temporary easements are needed. He advised the City Council that City Attorney Sullivan has drafted the license agreement and requested authorization to execute the agreement as presented.

Assistant Mayor Grasso moved to authorize the City Manager to negotiate and enter into a license agreement with the Parade Hotel LLC relative to the use of certain public areas along Hanover Street and High Street. Seconded by Councilor Raynolds and voted.

3. Proposed Review of Dog Ordinances and Possible Regulation of Exotic Pets

City Manager Bohenko recommended referring this matter to the Dog Committee for review and report back on amending the Dog Ordinance.

Assistant Mayor Grasso moved to have Assistant City Attorney Suzanne Woodland and Animal Control Officer Patricia Tate work with the Dog Committee to redraft the existing ordinance and report back to the City Council on this matter the first City Council meeting in April if possible. Seconded by Councilor Pantelakos and voted.

4. Proposal to Reschedule Work Session Re: FY 2006-2011 Capital Improvement Plan

City Manager Bohenko recommended conducting the work session on January 31st, which would allow for more time to review the plan.

Councilor St. Laurent moved to establish a work session for January 31st at 6:30 p.m. to review the FY 2006-2011 CIP. Seconded by Councilor Pantelakos and voted.

City Manager Bohenko advised the City Council that he would be in Washington, DC on Tuesday, January 25th and Wednesday, January 26th with representatives from the Seacoast Shipyard Association as well as other area officials to meet with the congressional delegation and the BRAC in order to make the case for not closing the shipyard.

Councilor St. Laurent requested that the information regarding the economic impact of the Portsmouth Naval Shipyard be placed on the City's website.

City Manager Bohenko reported on the earned time program that was established for the Fire Department and its success. He advised the City Council that the program has resulted in a reduction of leave time, as was the goal.

B. MAYOR SIRRELL

1. Public Comment Session Rule #43

Mayor Sirrell said that she would defer this item to Councilor Whitehouse who also has this under his name on the agenda this evening.

2. Appointments

Assistant Mayor Grasso moved to reappoint John Ricci to the Planning Board until December 31, 2008. Seconded by Councilor Pantelakos and voted.

Assistant Mayor Grasso moved to reappoint Raymond Will to the Planning Board until December 31, 2008. Seconded by Councilor St. Laurent and voted.

Councilor Pantelakos moved to reappoint Donald Coker to the Planning Board until December 31, 2008. Seconded by Councilor St. Laurent and voted.

Councilor Pantelakos moved to appoint Jennifer Marcelais to the Mayor's Blue Ribbon Cemetery Committee. Seconded by Councilor St. Laurent and voted.

Councilor St. Laurent moved to appoint John E. Lyons, Jr. to the Save the Old State House Committee. Seconded by Councilor Whitehouse and voted.

3. Reports

Assistant Mayor Grasso read a thank you letter from George Robinson, Executive Director, Portsmouth Housing Authority to Fire Chief LeClaire for the departments quick response to two fires at Gosling Meadows.

Councilor Pantelakos read a letter from Valerie Kincaid regarding Portsmouth Housing Authority snow plowing policy at the Margerson Apartments.

Mayor Sirrell said that this is not the first letter she has received relative to this issue and requested that City Manager Bohenko send a letter to the Housing Authority Commission requesting a work session to discuss this and other matters.

Councilor Pantelakos advised the City Council that she spoke with Ms. Kincaid and this policy came into effect in the last two years and it has created a great hardship for the residents of Margerson Apartments.

The City Council agreed to send a letter to the Portsmouth Housing Authority Commission requesting a work session to discuss this and other matters.

C. COUNCILOR WHITEHOUSE

1. Public Comment Session Rule #43

Councilor Whitehouse advised the City Council that he met with City Attorney Sullivan on January 18th on this proposed amendment to City Council Rule #43 – Public Comment Session.

Mayor Sirrell passed the gavel to Assistant Mayor Grasso.

Mayor Sirrell moved to suspend the rules in order to take action to amend the City Council Rule #43 regarding Public Comment Session. Seconded by Councilor Pantelakos and voted. Mayor Sirrell moved that the overall period of time for the public comment session contained in City Council Rule 43 be lengthened from the current time period of thirty minutes to forty-five minutes by replacing the word “thirty” with the word “forty-five” in the Rule. Seconded by Councilor Whitehouse.

Councilor Whitehouse said he proposed this amendment because the Council has tried in the past to suspend the rules to allow more time for public comment and it failed to pass by a two-thirds vote of the City Council.

Councilor Marchand said he does not feel it is necessary to amend the Rules and Orders of the City Council for this, however he will not vote against the motion.

Motion passed.

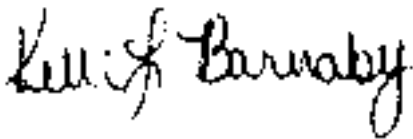
Assistant Mayor Grasso passed the gavel back to Mayor Sirrell.

X. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor St. Laurent asked City Manager Bohenko to address the concerns expressed by Ms. Greeley during the public comment session this evening. City Manager Bohenko advised the Council that he would forward the information to Parking and Transportation Director Burke for consideration by the Traffic & Safety Committee.

XI. ADJOURNMENT

At 8:20 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