

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 7, 2005

PORTSMOUTH, NH
TIME: 7:00PM

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:05 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

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

PROCLAMATION

1. Youth Art Month (Not on agenda)

Assistant Mayor Grasso read the proclamation declaring March as Youth Art Month.

PRESENTATION

1. Presentation of Parking Rate Study

Parking and Transportation Director Burke and CEG Representative Chuck Cullen provided a Powerpoint Presentation on the Parking Rate Study. Parking and Transportation Director Burke said that this was the first phase of the study. The second phase will focus on replacing parking equipment as part of the Capital Improvement Plan and a review of current programs and services for improvements that would benefit the City. It would also examine the impact of development on the parking in the downtown. Mr. Cullen reported that our rates were compared with 20 other cities. He advised the City Council that our current on-street parking rate is near the average but our off-street rate is below average. He discussed the mission and goals of the parking program. The following is a list of the recommendations from the study conducted.

- Biennial review of rates
- Maintain current hourly rate (\$0.75)
- Expand the use of the flat rate (\$4.00)
- Establish a maximum daily rate (\$10.00)
- Set different rates for on-street and off-street parking in the future
- Create relationship between hourly and contract parking rates and adjust in 2005
- Amend terms of night contract parking

City Manager Bohenko said he would like to work with the Parking Committee on this study and report back to the City Council with their recommendations.

Councilor St. Laurent moved to refer the Parking Rate Study Report to the Parking Committee for review and report back to the City Council. Seconded by Assistant Mayor Grasso and voted.

V. PUBLIC COMMENT SESSION

Robin McIntosh urged the City Council to postpone a decision on the Avanti Development for further review. She advised the City Council that a few years ago the neighborhood requested use of the lot for off-street parking during snow bans and the City advised the neighborhood they were not clear who owned the property. If development is considered to be the best use of the property the neighborhood wants to ensure that the variances are tied into the design of the project. The neighbors would like to see the project fit within the general design of the neighborhood.

Mayor Sirrell said the purpose for the request to reschedule the Bill of Rights Work Session is due to the expected number of people that may attend the meeting. She said that Conference Room A would only hold 49 people, therefore the City Council Chambers is the best location for the meeting.

Nancy Brown spoke against rescheduling the work session regarding the Bill of Rights. She advised the City Council that a great deal of work has been done in providing notice to the public of the March 14th date in order to receive input from individuals concerning this issue. She urged the City Council to keep the March 14th date for the work session.

Macy Morse spoke opposed to rescheduling the work session regarding the Bill of Rights. She said that the date should remain as originally scheduled.

Sheri Garrity said that she was displeased with the vote of the City Council at the last meeting regarding the budget. She said the Joint Budget Committee recommended an increase of no more than 5.5% and the City Council turned around and passed a motion to limit any increase to 4%. She said the City Council should have given more thought and consideration to the recommendation of the Joint Budget Committee.

Peter Bresciano said that the City Council should ensure that the Federal Government is providing the proper amount of education funding to the City.

Assistant Mayor Grasso moved to suspend the rules in order to take up Item IX B.1. – Request to Reschedule Work Session Re: Bill of Rights and Patriot Act from March 14th to March 28th. Seconded by Councilor Ferrini and voted.

Mayor Sirrell passed the gavel to Assistant Mayor Grasso.

Mayor Sirrell said it is necessary to change the date of the work session due to the expected number of people planning to attend the meeting. She said that Conference Room A is not large enough and therefore the City Council Chambers is needed for the meeting.

Mayor Sirrell moved to reschedule the work session regarding the Bill of Rights and Patriot Act from March 14, 2005 to March 28, 2005. Seconded by Councilor Marchand.

Councilor Marchand asked if we do not reschedule the meeting and the number of people exceed the capacity of the room what would happen. City Attorney Sullivan responded that if the number of people exceeded the capacity of the room the meeting would need to be rescheduled.

Mayor Sirrell announced that only Portsmouth residents would be allowed to speak during the work session.

Motion passed.

Assistant Mayor Grasso passed the gavel back to Mayor Sirrell.

VI. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donation to Ark Speak for Added Coordinator Services - \$5,000.00 anonymous donation

Councilor Pantelakos moved to approve and accept the donation to Art-Speak for Added Coordinator Services as listed. Seconded by Councilor Whitehouse and voted.

- B. Acceptance of Donations to the Mayor's Blue Ribbon Cemetery Committee
- Sheraton Harborside Portsmouth Hotel and Conference Center - \$500.00
 - Middle Street Baptist Church Mens Club - \$50.00

Councilor Hynes moved to approve and accept the donations for the Cemetery Committee as listed. Seconded by Councilor Pantelakos and voted.

- C. Acceptance of Donations to the New Library Building Fund
- Paul F. & Jane E. Harnden - \$100.00
 - Price Family Rev. Trust of Wayne K. Price, Trustee & Antoinette F. Price, Trustee - \$500.00
 - W. Bradford & Catherine C. Greeley - \$15.00
 - J. Robert & Jane M. Shouse - \$100.00
 - Virginia L. Jensen, Trustee, Virginia L. Jensen Revocable Trust - \$10.00
 - Kevin Lafond - \$250.00 (Not on agenda)

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

- D. Acceptance of Donations to the Portsmouth Police Honor Guard
- Ms. Mary Jean Champlin - \$75.00
 - Mrs. P. Cashman - \$25.00
- E. Acceptance of Donation to the Bureau of Investigative Services for \$500.00 from CrimeStoppers towards the upgrade of camera equipment needed for crime scene response

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

VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10, Article VII – Flood Plain Development - Proposed Amendment to the City's 1995 Zoning Ordinance Regarding the Adoption of Flood Insurance Study and Rate Maps

Councilor Whitehouse moved to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the March 21, 2005 City Council meeting. Seconded by Councilor St. Laurent.

Councilor Whitehouse requested a copy of the 1986 flood plan map.

Motion passed.

- B. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – sub-section A – *Crescent Way*: south side from Kearsarge Way to 40' west of Saratoga Way, south side from Propoise Way to end of street, north side from Kearsarge Way to 80' west of Porpoise Way; and *Preble Way*: south side from Ranger Way to Kearsarge Way, north side 20 feet east of Ranger Way to Kearsarge Way

Councilor St. Laurent moved to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the March 21, 2005 City Council meeting. Seconded by Councilor Whitehouse and voted.

VIII. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Nancy Normile, Sexual Assault Support Services, requesting permission to hold the 13th Annual SASS Walk on Sunday, April 17, 2005

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

- B. Letter from Keith and Kathleen Malinowski, KC Realty Trust, requesting permission for continuation of placement of dumpsters behind his building located at 84-88 Pleasant Street

Councilor St. Laurent moved to refer to the Traffic & Safety Committee for report back. Seconded by Assistant Mayor Grasso and voted.

VIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Report Back Re: Avanti Development and Proposed Conveyance of Municipal Land Located in Atlantic Heights

City Manager Bohenko requested Planning Director Holden discuss the history of this request and the Planning Board's recommendation.

Planning Director Holden advised the City Council that the Planning Board has considered this request on three different occasions. The two previous reports from the Planning Board had lapsed, that is why it is before you once again. He said that the Planning Board is recommending the sale of the land.

Planning Board Recommendations

- *That the City Assessor shall determine the present value of this parcel, so current land values are made available for the Council's use*
- *That the property be consolidated by deed with the adjacent property of Avanti Development into one lot as required by RSA 674:39a*
- *That the City retain an easement over the parcel conveyed for municipal utility purposes, either current or needed in the future*
- *That the applicant must provide off-street parking for any development*

Councilor Pantelakos asked if the off-street parking issue had been addressed. Planning Director Holden advised Councilor Pantelakos that the parking would be addressed during the sale of the property.

Councilor Pantelakos moved to table this item to address a previous request of the neighborhood to allow off-street parking on the parcel for residents during snow bans. Seconded by Assistant Mayor Grasso and voted. Councilor Whitehouse voted opposed.

B. MAYOR SIRRELL

1. Appointments/Resignation

The City Council considered the reappointment of Dana Levenson to the Economic Development Commission. This appointment will be voted on by the City Council at the March 21, 2005 City Council meeting.

Councilor Pantelakos moved to appoint Randal Leach to the Dog Committee. Seconded by Assistant Mayor Grasso and voted.

Assistant Mayor Grasso moved to appoint Anthony Coviello as an Alternate to the Building Code Board of Appeals until July 1, 2010. Seconded by Councilor Ferrini and voted.

Councilor Ferrini moved to appoint Eric Spear to the Peirce Island Committee. Seconded by Assistant Mayor Grasso and voted.

Councilor Pantelakos moved to appoint Barbara Driscoll to the Citizen's Advisory Committee. Seconded by Assistant Mayor Grasso and voted.

Assistant Mayor Grasso moved to appoint Stephen Lichtenstein to the Citizen's Advisory Committee. Seconded by Councilor St. Laurent and voted.

Councilor Reynolds read a letter of resignation from James Horrigan from the Zoning Board of Adjustment.

Assistant Mayor Grasso moved to accept with regret the resignation of James Horrigan from the Zoning Board of Adjustment. Seconded by Councilor Pantelakos and voted.

C. COUNCILOR HYNES

1. Traffic & Safety Committee Action Sheet and Minutes of the February 10, 2005 meeting

Councilor Hynes moved to accept and approve the action sheet and minutes of the Traffic & Safety Committee meeting of February 10, 2005. Seconded by Councilor Pantelakos and voted.

2. Request for Work Session Re: African Burial Ground

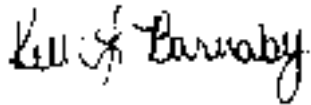
Councilor Hynes said he would like to establish a work session to discuss and provide an update on the African Burial Ground.

Councilor Hynes moved to establish a work session regarding the African Burial Ground on Monday, April 11, 2005 at 6:30 p.m. in Conference Room A. Seconded by Assistant Mayor Grasso and voted.

City Manager Bohenko suggested having the Traffic & Safety Committee present during the work session.

XI. ADJOURNMENT

At 8:40 p.m., Councilor Pantelakos moved to adjourn. Seconded by Councilor Whitehouse 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