

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 21, 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, Reynolds, Whitehouse and St. Laurent

III. INVOCATION

Mayor Sirrell asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

The students participating in Student Government Day led in the Pledge of Allegiance to the Flag.

Mayor Sirrell read a letter of apology to her from David Adam's of the Historic District Commission. She announced that she has withdrawn her request for David's resignation from the Historic District Commission.

INTRODUCTION OF STUDENTS PARTICIPATING IN STUDENT GOVERNMENT DAY, MARCH 30, 2005

BEN JANKOWSKI	MAYOR SIRRELL
KATIE HAMMER	ASSISTANT MAYOR GRASSO
MAIA SCHIERBERL	COUNCILOR FERRINI
ANNA GREENSLADE	COUNCILOR MARCHAND
LIZ FERRIS	COUNCILOR PANTELAKOS
MATT SOLIE	COUNCILOR HYNES
JOHANNAH LANGLEY	COUNCILOR RAYNOLDS
AARON STANWOOD	COUNCILOR WHITEHOUSE
SCOTT WILSON	COUNCILOR ST. LAURENT
NORA HAPPNY	CITY MANAGER
SIMON MCCORMACK	CITY ATTORNEY
BRITT CONWAY	CITY CLERK

The City Council, City Manager, City Attorney and City Clerk introduced their counterparts that will be participating in Student Government Day on March 30, 2005.

PRESENTATIONS

1. Wendell Purrington will sing the National Anthem

Wendell Purrington sang the National Anthem.

2. Woodwind Quartet, Director Eric Gagnon

Wendell Purrington announced that March is Music in Our Schools Month and he thanked Mayor Sirrell for issuing a Proclamation in recognition of this. He introduced the Woodwind Quartet and its Director Eric Gagnon who performed a classical selection for the City Council.

3. Captain Mark Davis – USS Montpelier

Mayor Sirrell presented Captain Davis with a photo album of pictures taken during the Holiday Party in December for the crews and its families. Captain Davis accepted the album with thanks and appreciation to Mayor Sirrell and the City Council.

4. Special letter to James Horrigan for his years of service on the Board of Adjustment

Mayor Sirrell presented Mr. Horrigan with a letter and gift in recognition of his 8 years of service to the Board of Adjustment. Mr. Horrigan accepted the letter and gift with thanks and appreciation.

PROCLAMATIONS

1. Retired Police Detective Kevin Semprini in recognition of his years of service

Councilor Ferrini read the Proclamation in recognition of Kevin's 25 years of service to the Portsmouth Police Department. Mayor Sirrell presented Kevin with the Proclamation and a gift and he accepted it with thanks and appreciation.

2. Fire Captain Bernard Marvin, III in recognition of his courageous act and years of service

Councilor Marchand read the Proclamation in recognition of Bernard's 20 years of service to the Portsmouth Fire Department and his courageous act during a fire in December. Mayor Sirrell presented Bernard with the Proclamation and a gift and he accepted it with thanks and appreciation.

3. Community Development Week – March 28th – April 1st

Councilor Pantelakos read the Proclamation declaring March 28th – April 1st as Community Development Week. Mayor Sirrell presented Deputy City Manager Hayden with the Proclamation who accepted with thanks and appreciation.

Mayor Sirrell announced that Commander Kevin Brenton and Chief Dan Adley of the USS Portsmouth presented her recently with the City of Portsmouth Wall Hanging of the City Seal that she had mounted in the Council Chambers. She advised the City Council that the wall hanging was used 20 years ago during the Commissioning of the USS Portsmouth.

V. ACCEPTANCE OF MINUTES – FEBRUARY 14, 2005 & MARCH 7, 2005

Councilor Pantelakos moved to approve and accept the minutes of the February 14, 2005 and March 7, 2005 City Council meetings. Seconded by Assistant Mayor Grasso and voted.

VI. PUBLIC COMMENT SESSION

Bob Shouse requested the City Council hold a public hearing to discuss how and if the old Library should be sold. He suggested that the old Library be made into a museum through a public/private partnership.

Barbara Daly requested funding for sidewalks on Middle Road. She said it is an important project and should be funded as recommended by the City Manager.

Ralph DiBernardo spoke to the letter he submitted to the City Council relative to the Islington Woods Development. He requested that the City Council give his letter real consideration. He said he does not feel this proposed development is right for its proposed location. He advised the City Council that traffic is a strong concern of the residence in the area.

VII. PUBLIC HEARINGS

A. CAPITAL IMPROVEMENT PLAN (CIP) FY2006-2011

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

City Manager Bohenko reported that the Planning Board approved the Capital Improvement Plan on January 20, 2005. City Manager Bohenko requested that Planning Director Holden, Deputy City Manager Hayden, Public Works Director Parkinson, Deputy Public Works Director Allen, Fire Chief LeClaire, Parking and Transportation Director Burke, Police Captain DiSesa, and Water and Sewer Engineer Rice come forward to present a Powerpoint Presentation on the Capital Improvement Plan. Each staff member briefly discussed the proposed projects that make up the Plan for FY2006-2011.

City Manager Bohenko advised the City Council that there would be a full reconstruction of Court Street. Deputy Public Works Director Allen addressed the Court Street project advising the City Council that a sewer and drainage separation will take place and all old utilities will be replaced. He reported that the project would start in 2006.

City Clerk Barnaby announced that the City Council has received a number of petitions from residents and business owners in support of the funding for capital improvements for Congress Street. She reported that the City Council also received letters from the following individuals in support of various projects.

- Mr. & Mrs. Ralph DiBernardo for installation of sidewalks on Islington Street
- Mr. Rick Becksted for installation of sidewalks on Islington Street
- Ms. Eileen MacDonald for safety improvements to Islington Street
- Dana Levenson, Chair of Economic Development Commission in support of the following projects identified in the Capital Plan:

FY 2006 Projects

Market Square Granite Crosswalks
Market St. Ext. Bike/Pedestrian Improvements
Hanover Street Transit Improvements
Riverwalk
Ceres Street Improvements
Sheraton Expansion Parking Studies
Transportation/Transit Projects

FY2007 Projects

Congress Street Area Improvements
McIntyre Federal Building Design
Market Street Sidewalk Expansion
Downtown Wayfinding Sign System
Transportation/Transit Projects

FY2008 Projects

Worth Parking Garage

Robert Chaikin, Temple Israel Church, requested that the construction of lower Court Street continue. The residents in the area feel that this is a health and safety issue that needs to be resolved. He advised the City Council that many residents are unable to make improvements to their yards because the repairs to the lower end of the street have not taken place. The church would like to make a number of improvements but will not do so until the City starts the improvements needed to lower Court Street.

City Manager Bohenko said that the project was always intended to be split into two parts with upper Court Street to be completed first, followed by lower Court Street. He advised Mr. Chaikin that he has been very responsive to Temple Israel and has tried to address all of their concerns relative to the improvements. He said it is impossible to do all projects at one time due to the traffic implications. He reported that we are attempting to receive federal and state grant funding for the project and construction is expected to commence in the Summer of 2006.

Louise Richardson spoke in support of the Court Street project. She said it was the neighborhoods understanding that both sections of the Court Street project would be completed simultaneously. She said that the sidewalks on the lower end of Court Street can't be plowed properly because they are falling apart. She submitted photos of the area for the City Council to review.

Mike Gilcruise said he would like to know how projects are selected for the Capital Improvement Plan. He spoke in support of the Congress Street improvements. He said that there are over 150 residents and business owners in the area that are in support of the improvements to Congress Street.

Ralph DiBernardo spoke in support of funding for sidewalks on upper Islington Street from Essex Avenue to the ballfield. He urged the City Council to support the funding for this project.

Basil Richardson spoke in support of the Court Street project. He said it appears there was some misunderstanding as to when the project would be completed. He requested that when the project begins that the City close that end of the street and make all of the repairs underground at one time to avoid digging up the street more than once.

Sara O'Callahan spoke in support of the water separation project for Cass and Lovell Streets. She said there are problems with water backing up in this area.

Susan Saurman thanked the City for the improvements that have been made and will be made to Maple Haven Park.

Dorothy Kierstead spoke opposed to the development project that was approved by the Planning Board for Lovell Street. She said that she is experiencing water backing up into her basement. She advised the City Council that improvements that were attempted by the Public Works Department are not helping with the water problem.

Kim Bridge spoke concern with the \$300,000.00 funding for furniture for the new Library in addition to the \$8,000,000.00 it will cost to construct the building. He also said he is opposed to any funding for the redevelopment of the McIntyre Building.

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

City Manager Bohenko asked Deputy Public Works Director Allen to come forward to discuss the Court Street project. Deputy Public Works Director Allen discussed the water and sewer issues that were identified for the project. He said that the City intended to only do the first phase of the Court Street project. He said that we were federally mandated to complete the project in front of the Middle School within a certain time period. He advised the City Council that lower Court Street critical issues are with the water and sewer.

At 9:15 p.m., Mayor Sirrell declared a brief recess. At 9:30 p.m., Mayor Sirrell called the meeting back to order.

- B. 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

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

City Manager Bohenko had Building Inspector Hopley come forward to explain the amendment to the Ordinance. Building Inspector Hopley advised the City Council said that FEMA identifies flood plain areas in communities. He said the City was informed by FEMA that we needed to take certain actions in a timely manner so as to remain eligible for national flood insurance. The Inspection and Planning Departments have revised the appropriate sections of the Zoning Ordinance and brought it before the Planning Board for a public hearing on January 20, 2005.

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

- C. 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 PORPOISE 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

Mayor Sirrell read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Sirrell declared the public hearing closed.

VIII. APPROVAL OF GRANTS AND DONATIONS

- Helen Reid - \$25.00
- Nancy Grossman - \$25.00
- Rex Richards - \$25.00; \$25.00 and \$15.00
- Cynthia B. Bufithis - \$25.00
- Bess Mosley - \$50.00
- Virginia Smist Beers & Martha Smist Rice - \$500.00
- Joann Wyckoff - \$100.00 (Not on agenda)

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

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A – Islington Street: southerly side from Essex Avenue to a point 180 feet westerly

Councilor Whitehouse moved to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the April 4, 2005 City Council meeting. Seconded by Assistant Mayor Grasso and voted.

- B. Second 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 Pantelakos moved to pass second reading of the amended ordinance, as submitted, and hold third and final reading at the April 4, 2005 City Council meeting. Seconded by Assistant Mayor Grasso.

City Manager Bohenko said that this is a requirement of the federal government and if we did nothing we would be putting the residents at risk.

Motion passed.

- C. Second 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 Porpoise 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 second reading of the amended ordinance, as submitted, and hold third and final reading at the April 4, 2005 City Council meeting. Seconded by Assistant Mayor Grasso and voted.

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Sara Curtin, American Foundation for Suicide Prevention, requesting permission to hold a walk on Saturday, September 24, 2005 from 10:00 a.m. – 3:00 p.m.

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

- B. Letter from Ralph and Linda DiBernardo regarding the proposed development of Islington Woods

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

C. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year

- Attrezzi LLC – 1 A-frame sign
- Bagel Works – 4 Tables, 12 chairs and 1 A-frame sign
- Belle Peppers – 2 Tables and 4 chairs
- Breaking New Grounds, Inc. – 15 Tables and 42 chairs
- Café Kilim – 1 Bench
- Ceres Bakery – 4 Benches
- Chamber of Commerce – 1 A-frame sign
- Colby's Breakfast & Lunch – 1 A-frame sign
- Corks & Curds, LLC – 1 A-frame sign
- Dos Amigos Burritos – 1 Bench
- Geno's Coffee Shop – 1 A-frame sign
- Helen Marks – 1 A-frame sign
- Izzy's Frozen Yogurt – 1 Bench
- Lucky 7 Gallery – 1 A-frame sign
- Madd Matt's Ice Cream – 1 A-frame sign
- Market Street Tub Shop – 1 A-frame sign
- Molly Malones – 1 A-frame sign
- Muddy River Smokehouse – 1 A-frame sign
- Portsmouth Athenaeum – 1 A-frame sign
- Portsmouth Brewery – 1 A-frame sign
- Portsmouth Gas Light – 2 A-frame signs
- Portsmouth Provisions – 1 A-frame sign
- Prudential Rush Realty – 1 A-frame sign
- RiverRun Bookstore – 1 Table and 1 A-frame sign
- Rosa's Restaurant – 2 A-frame signs
- Seacoast Hearing Center – 1 A-frame sign
- Serendipity – 2 A-frame signs
- Stonewall Kitchen – 1 A-frame sign
- The Press Room – 1 A-frame sign
- Water Monkey – 2 A-frame signs

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

Councilor Whitehouse requested that City Manager Bohenko send a letter to establishments with tables and chairs advising them to pick up debris left behind by their customers.

D. Request for Sidewalk Obstruction License from Leo Auger, Leo Auger Real Estate to place 1 A-frame sign in front of establishment

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

- E. Request for Sidewalk Obstruction License from Betty LaBranche Agency to place 1 A-frame sign in front of establishment

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

- F. Request for Sidewalk Obstruction License from Robert Hassold, Tugboat Alley to place 1 bench in front of establishment

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

- G. Letter from Kenneth La Valley, University of New Hampshire, requesting a \$500.00 sponsorship from the City of Portsmouth for Safety Training and Survival Workshop for the Portsmouth fishing community

Councilor Raynolds moved to accept and place the letter on file. Seconded by Councilor St. Laurent and voted.

Councilor Whitehouse requested that a copy of the letter be forwarded to the Pease Development Authority for their consideration.

- H. Letter from Susan Benedict, Friends of the South End, requesting permission to hold a Fairy House garden tour on September 24, 2005 and September 25, 2005 and the sale of Fairy House Book Series and DVD by Tracy Kane, local author

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

- I. Letter from Pam Kelley, Strawberry Banke, requesting permission to hold a Living History Event on May 21, 2005 and May 22, 2005 with firing of muskets and cannons, and a small camp and cooking fires on the Puddle Dock

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

Councilor Whitehouse requested that City Manager Bohenko advise the Portsmouth Naval Shipyard of the date the cannons will be fired.

- J. Letter from Jude Anthony Augusta, Lighthouse Kids, requesting permission to assemble and raise awareness to save the White Island Lighthouse on Friday, April 8, 2005 in front of the North Church

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Guaranteed Maximum Price for New Library

City Manager Bohenko said he is requesting to hold a public hearing on April 4th for the appropriation of \$1,000,000.00 for construction of the new library. He advised the City Council that the New Library Building Committee has reviewed this issue and they are recommending this course of action by the City Council. City Manager Bohenko explained the difference of the \$1,000,000.00 with no additional cost to taxpayers and the sale of the old library will go to pay for the \$1,000,000.00 bond. The funding from fund balance keeps us above 7% as required by the Fund Balance Ordinance. He advised the City Council that the sale of the old library is one vehicle to look at to pay for this bonding. He said if we do not pay the \$1,000,000.00 back that is fine because this is a one-time expense. He reported that once the bond is passed we would enter into a guaranteed maximum price.

Councilor Ferrini moved to establish a public hearing for Monday, April 4, 2005 at 7:00 p.m. to authorize the appropriation of \$1 million from undesignated fund balance to implement the Guaranteed Maximum Price for construction of the new library. Seconded by Assistant Mayor Grasso.

Councilor Whitehouse said he would vote against the motion. He requested that City Manager Bohenko provide the City Council a copy of the Fund Balance Ordinance. He said that he is opposed to the sale of the old Academy Building and the Benedict House, which is the existing library. He said he does not want to see another historic brick building demolished or sold. He suggested using the building to create a museum that the City could display artifacts and historical items for public review.

City Manager Bohenko said that the covenants on the existing library would remain on the building and if the building were sold the owner would need to adhere to those covenants. He said the sale of the existing library is just an idea for consideration. He advised the City Council that the proposed Resolution is a separate decision from the possible sale of the existing library.

Councilor St. Laurent said he would support the motion because he supports all public hearings. He said he would like to see a down scale of the new library in order to keep the price at the \$7 million figure.

City Manager Bohenko said an engineering study was done to reduce costs. He advised the City Council that we added the Leeds project, which added cost, but the added costs will be paid back with the energy improvements made.

Assistant Mayor Grasso said that there would be a location within the new library to display collectibles and historical items.

Councilor Pantelakos requested City Manager Bohenko go back to the vote of the \$7 million bond for the new library to see if the Council said the existing library would be sold.

On a roll call vote 8-1, motion passed. Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, Raynolds, St. Laurent and Mayor Sirrell voted in favor. Councilor Whitehouse voted opposed.

B. MAYOR SIRRELL

1. Appointment

Assistant Mayor Grasso moved to reappoint Dana Levenson to the Economic Development Commission until October 1, 2009. Seconded by Councilor St. Laurent and voted.

Mayor Sirrell said that she would be requesting a non-meeting with counsel to discuss Boards and Commissions. She requested all City Council members attend this meeting and she would send a memorandum with suggested dates for the meeting.

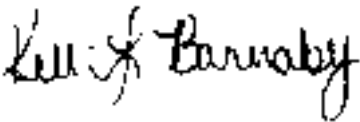
C. COUNCILOR HYNES

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

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

XIII. ADJOURNMENT

At 10:15 p.m., Councilor Whitehouse moved to adjourn. Seconded and voted.



Kelli L. Barnaby, City Clerk