

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 5, 2005

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:35 p.m., an Anticipated "Non-Meeting" with counsel was held regarding Negotiations – RSA: 91-A:2, I (b-c)

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 Whitehouse led in the Pledge of Allegiance to the Flag.

PROCLAMATION

1. Human Rights Day 2005

Assistant Mayor Grasso read the Proclamation declaring Saturday, December 10th as Human Rights Day 2005. Mayor Sirrell presented the Proclamation to Dr. Somssich, who accepted it with thanks and appreciation on behalf of Amnesty International.

V. ACCEPTANCE OF MINUTES – NOVEMBER 10, 2005 & NOVEMBER 14, 2005

Councilor St. Laurent moved to approve and accept the minutes of the November 10, 2005 and November 14, 2005 City Council meetings. Seconded by Councilor Whitehouse and voted.

VI. PUBLIC COMMENT SESSION

Ken Smith stated he would like the ordinance regarding no parking on Church Street tabled until such time as it is discussed with the residents and business owners in the area. He requested that a meeting be set up with these residents and business owners prior to a final vote.

Debra Weeks requested the ordinance regarding no parking on Church Street be tabled. She stated that she is one of the owner of The Green Monkey and they have a lot of trash and if they remove the dumpster they will have to dump their trash in front which will impede pedestrian traffic on the sidewalk.

City Manager Bohenko stated that the issue at hand is concerning parking and not dumpsters.

Keith Malinowski stated that he was not notified of the ordinance regarding no parking on Church Street until the third reading and the parking spaces are needed.

George Bell stated that the no parking sign on Church Street needs to be replaced on the corner.

Marty Cameron stated that the City would have to take in \$13.60 per day on each parking meter in order to pay the loan, which would be generated, by the new parking garage.

Tom Nies requested that the City Manager put the financial documents relative to the bond issue on the web as it is important that the taxpayers understand what they are paying for.

City Manager Bohenko stated that he has a financial handout, which will be distributed when we get to that issue on the agenda.

Peter Bresciano stated that he does not want the Council to waste taxpayer's money on capping campaign spending.

Malcolm McNeill requested that the Council pass the bonding resolution.

VII. APPROVAL OF GRANTS AND DONATIONS

A. Acceptance of Donations to the New Library Building Fund

- Frank S. Wilson in Memory of Marie Elizabeth Wilson - \$100.00

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

B. Acceptance of Department of Safety Homeland Security Grant - \$49,185.73

Assistant Mayor Grasso moved to approve and accept the grants to the Portsmouth Police Department as listed. Seconded by Councilor Whitehouse.

Councilor Whitehouse stated that it was important that the people understand what was bought with the grant money and asked Mayor Sirrell if he could read the list to the public. Mayor Sirrell consented to Councilor Whitehouse's request. Councilor Whitehouse read the list and asked Chief Magnant what mask voice amplifiers are. Chief Magnant stated that mask voice amplifiers allow officers to talk to each other when they are operating in a contaminated area while wearing full-face shield and facemask.

Councilor St. Laurent asked Chief Magnant if there were matching grants. Chief Magnant stated that there were not.

Councilor Reynolds requested that Chief Magnant explain what the grant is all about. Chief Magnant stated that the grant would allow the City to go in and manage a terrorist attack with contamination at tourist attractions.

Motion passed.

- C. Acceptance of Donation to the Portsmouth Police Department from Wal-Mart for National Night Out or Child Safety Seat Program - \$1,000.00.

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORINANCES

- A. First reading of Resolution Authorizing a Bond Issue of up to Fifteen Million Dollars (\$15,000,000) for the Construction of a Public Parking Facility

Councilor Pantelakos moved to pass first reading to authorize a bond resolution of up to fifteen million dollars (\$15,000,000) for a public parking facility and schedule a public hearing and adoption for the December 19th City Council meeting. Seconded by Councilor Reynolds.

City Manager Bohenko handed out financial packages and stated that the Bond Resolution is the first step. He went on to state that the City's legal debt limit is presently 21% and if the parking facility is approved the debt limit will only be 35%. He provided copies of three different pro-forma's relative to usage of parking spaces. He advised the City Council that there would be a positive cash flow with only a 30% use of parking spaces. City Manager Bohenko reviewed the narrative summary from the city's consultant. He reported that this information would be made available on the city's website.

Councilor St. Laurent said he is not in favor of the bonding resolution but will vote in favor of first reading to allow for the public hearing. He urged residents to attend to the public hearing and voice their opinion relative to the bonding resolution.

Councilor Whitehouse expressed concern with the future development of a conference center. He said that this would put a strain on the Peirce Island wastewater treatment plant. He said he would like to see a portion of the \$15 million dollars to be used for a study to upgrade the Peirce Island wastewater treatment plant. He said that this is the time to create a fund to do design and study for these upgrades and to evaluate the need for a second treatment system.

City Manager Bohenko advised Councilor Whitehouse that funds have been set aside in the Capital Improvement Plan for the design and potential options for the Peirce Island wastewater treatment plant. He said that there are funds available through the state revolving loan fund as well. He said we are in the process of working on this matter. He said that the \$15 million dollar bond is for the construction of a parking facility at the conference center. City Manager Bohenko advised the City Council that we would be reviewing a rate study on water and sewer with the City Council in the future.

Assistant Mayor Grasso said a few weeks ago there was a presentation on the wastewater treatment plant and it was explained in great detail that we could handle things now and what is coming in the future. She said the bond issue should be looked at separately, the bond is to fund the construction of a parking facility.

City Manager Bohenko suggested the City Council conduct a work session in January relative to the Peirce Island wastewater treatment plant.

Councilor Hynes said that the City Council needs to look at the big picture when discussing the development of a conference center and parking facility. He said that the development would create a much larger tax base. He said that there is no major commitment by the taxpayers for this development.

Councilor Marchand said that this would make money for the City in the long run. He said that we would have a work session on the wastewater treatment plant issues in January.

Councilor Raynolds said that this project is an investment in economic development and the future vitality of the City as a whole. He said that we are in a very good position to make this investment at this time. He said that based on the figures provided this evening it is estimated that the City would make money the first year.

Councilor Ferrini said that information provided this evening is comprehensive and if people have information that is contrary to what was provided they should bring those subsequent concerns forward at the public hearing scheduled for the December 19, 2005 City Council meeting.

On a unanimous roll call 9-0, motion passed.

- B. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Church Street: both sides from State Street to Court Street

Councilor Pantelakos moved to table this ordinance for further review. Seconded by Councilor St. Laurent.

City Manager Bohenko said that there are two issues with Court Street, one being the parking and the second is licensing of the dumpsters. He said whether this ordinance passes or not the dumpsters are located on City property and must be licensed.

Councilor Pantelakos spoke opposed to eliminating parking on Church Street.

Councilor Ferrini moved to amend the motion to refer this matter to the Traffic & Safety Committee for report back. Seconded by Councilor Whitehouse and voted.

City Manager Bohenko said the only licenses that will be issued by the City would be for the dumpsters not for parking. He said that the Traffic & Safety Committee could create parking spaces with time limits.

Councilor St. Laurent said he would like to see parking continue on Church Street.

Councilor Whitehouse said it appears that everyone was not notified. City Attorney Sullivan said all property owners were notified, tenants may not have been but the owners were.

Main motion passed as amended.

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Kerry Jenkins, Acting President Osprey Landing Neighborhood Association, requesting the completion of the Cul-de-sac at the termination point of Dunlin Way / Portsmouth Blvd, paving of the roadways, the installation of a gate and dead end signs

Councilor Ferrini moved to refer to the City Manager for a report back. Seconded by Councilor Whitehouse and voted.

- B. Letter from Phelps Dieck and Debra Weeks, The Green Monkey, requesting a license for one vehicle and one waste management dumpster on the back side of Church Street

Councilor Ferrini moved to refer this matter to the City Manager for the licensing of a dumpster. Seconded by Councilor St. Laurent and voted.

- C. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the 16th Annual Children's Day on Sunday, May 7, 2006

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

- D. Letter from Barbara Massar, Pro Portsmouth, Inc., requesting permission to hold the 29th Annual Market Square Day on Saturday, June 10, 2006

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

- E. Letter from Jim Splaine requesting the City Council consider expanding the Public Comment Session and adding a Council Listens Session

Assistant Mayor Grasso moved to refer to Mayor-Elect Marchand. Seconded by Councilor Raynolds and voted.

- F. Letter from Dee Martin, American Lung Association of New Hampshire, requesting permission to hold the 21st Annual Clean Air Challenge Seacoast Bike Tour on Saturday, May 20, 2005 and Sunday, May 21, 2005

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

- G. Letter from Peter Floros regarding Church Street Parking/Dumpster Storage

Assistant Mayor Grasso moved to refer this matter to the Traffic & Safety Committee. Seconded by Councilor St. Laurent and voted.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request to Extend License Agreement for Trash Compactor on Ceres Street

City Manager Bohenko said that Jack Blalock is here to represent the businesses that use the trash compactor.

Councilor St. Laurent moved to authorize the City Manager to extend the License Agreement between the City of Portsmouth and Old Ferry Landing, Inc., Poco Diablo, Inc. and Stockpot, Ltd. for the period December 1, 2005 through November 30, 2006. Seconded by Councilor Pantelakos and voted.

- 2. Meter Enforcement – 2005 Holiday Season

City Manager Bohenko said that this is an annual request for the holiday season and recommended its approval.

Assistant Mayor Grasso moved to authorize the Parking & Transportation Department to forego meter enforcement in the downtown area from Saturday, December 10th, through Sunday, December 25th, with the stipulation that the 15-minutes, two-hour and four-hour limits will be enforced. Seconded by Councilor Hynes and voted.

- 3. 2006 City Council Schedule

City Manager Bohenko said the City Council needs to adopt the schedule for 2006. He said if any changes need to be made they can be done in January.

Councilor Whitehouse moved to approve the 2006 City Council schedule. Seconded by Assistant Mayor Grasso and voted.

B. MAYOR SIRRELL

1. Appointments

The City Council considered the appointment of Michael Murray to the Economic Development Commission and the reappointment of Charles LeBlanc to the Zoning Board of Adjustment. These appointments will be voted on by the City Council at the December 19, 2005 City Council meeting.

Councilor St. Laurent moved to reappoint Ed DeValle to the Board of Library Trustees until October 1, 2008. Seconded by Councilor Whitehouse and voted.

Councilor St. Laurent moved to reappoint Amy Brnger to the Board of Library Trustees until October 1, 2008. Seconded by Councilor Whitehouse and voted.

Councilor St. Laurent moved to reappoint Barbara Ward to the Board of Library Trustees until October 1, 2008. Seconded by Assistant Mayor Grasso and voted.

Assistant Mayor Grasso moved to reappoint Edward Hayes to the Economic Development Commission until October 1, 2009. Seconded by Councilor Ferrini and voted.

Assistant Mayor Grasso moved to reappoint Clifford Taylor to the Economic Development Commission until October 1, 2009. Seconded by Councilor Pantelakos and voted.

Councilor Pantelakos moved to reappoint James Feehley to the Taxi Commission until December 31, 2007. Seconded by Councilor St. Laurent and voted.

Councilor Whitehouse moved to reappoint Peter Bresciano to the Taxi Commission until December 31, 2007. Seconded by Councilor St. Laurent and voted.

Councilor Whitehouse moved to reappoint Frank Daggett to the Taxi Commission until December 31, 2007. Seconded by Councilor St. Laurent and voted.

Councilor Hynes moved to appoint Algene Bailey to the Citizens Advisory Committee replacing Barbara Driscoll. Seconded by Assistant Mayor Grasso and voted.

2. Resignations – Board of Library Trustees and the Planning Board

Assistant Mayor Grasso moved to accept with regret the resignation of Maria Sillari from the Board of Library Trustees. Seconded by Councilor Ferrini and voted.

Councilor Ferrini moved to accept with regret the resignation of John Sullivan from the Planning Board effective January 30, 2006. Seconded by Assistant Mayor Grasso and voted.

3. Reports

Mayor Sirrell advised the City Council that she would be bringing forward an ordinance regarding campaign contributions at the December 19, 2005 meeting. Mayor Sirrell said that candidates should be disclosing the money they receive for their campaign.

C. COUNCILOR HYNES

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

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

2. Parking Committee Action Sheet and Minutes of the November 10, 2005 meeting

Councilor Hynes moved to approve and accept the action sheet and minutes of the November 10, 2005 Parking Committee meeting. Seconded by Councilor Pantelakos and voted.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Pantelakos said that the Portsmouth Middle School band has always played at the lighting of the Christmas tree and they were very disappointed that they did not get to play this year. City Manager Bohenko said that the lighting of the tree is part of the Snow Flake Festival presented by Pro Portsmouth. He said that he would speak with Barbara Massar regarding this matter and request that the Portsmouth Middle School band be part of the ceremony each year.

Councilor Whitehouse asked for an update on the construction of the new Library. City Manager Bohenko said that the placement of the steel would start on December 12th. He said that we were able to get a great price for the steel by waiting to start until December 12th.

Assistant Mayor Grasso said that this is part of the construction management process for the new Library. She said the delay was to the advantage of the City.

Councilor Marchand spoke regarding the Rap Sheet magazine on disabilities he provided to the City Council. He said that Laurie McCray's son Michael is highlighted in the magazine for his performance with the NH Theatre Project.

XI. ADJOURNMENT

At 9:00 p.m., Councilor Whitehouse moved to adjourn. Seconded by Councilor St. Laurent and voted.

A handwritten signature in cursive script that reads "Kelli L. Barnaby".

Kelli L. Barnaby, CMC
City Clerk