

CITY COUNCIL MEETING

Monday, August 6, 2001, 7:00 p.m.

Municipal Complex, Portsmouth, New Hampshire

At 6:00 p.m., an anticipated non-meeting with Counsel was held regarding a personnel matter as per New Hampshire RSA 91-A:21 (b-c).

At 6:30 p.m., a work session was held regarding Pro Portsmouth.

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:07 p.m.

II. ROLL CALL

Present: Mayor Sirrell, Assistant Mayor Clews, Councilors Hanson, Grasso, Wagner, Hynes, Marconi, Whitehouse, and Pantelakos.

Absent: none

III. INVOCATION

Mayor Sirrell asked everyone to join in a moment of silent prayer in memory of former Mayor John Wholey.

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATION

1. Seacoast Land Trust Award presented to Mayor and City Council by Robin Nojar

Ms. Nojar presented a Seacoast Land Trust Award to Mayor Sirrell and the City Council for their preservation efforts. She thanked the City for establishing the Great Bog Blue Ribbon Committee and their involvement and teamwork.

V. ACCEPTANCE OF MINUTES – JULY 16, 2001

Councilor Hanson made a motion to accept the meeting minutes of the July 16, 2001 City Council meeting. Councilor Pantelakos seconded the motion, voted all in favor.

VI. PUBLIC COMMENT SESSION

Chris Favalovo, Portsmouth, thanked the City for their correspondence and the City's understanding for the water drainage problem on his street. Mr. Favalovo questioned if the water drainage issue would be part of the Capital Improvement Plan. City Manager Bohenko said that new additions to the Capital Improvement Plan will be reviewed in the near future.

Kevin LaFond, Portsmouth, explained that a utility pole needs to be removed from the park at Atlantic Heights.

Adolph Berounsky, Portsmouth, was concerned with the design of the new library. He would like to see a building that fits the current streetscape.

Harold Ecker, Portsmouth, suggested that the public comment session be expanded as three minutes is not enough. He feels that many people do not have the courage to come to the Council and speak.

Peter Bresciano, Portsmouth, supports the vote for the library and reminded the Council that this is the start of many issues such as size and costs.

Carvel Tefft, Portsmouth, believes that the South Mill Pond area should be used as recreation and not the location for the library. He was concerned that the location is very close to the middle school. He also said that the lot size restricts future expansions. He feels numerous public hearings are needed.

Diane Tefft, Portsmouth, was concerned with the size of the building and that the City is forcing the fit into the lot. She feels that once a recreation site is gone then, eventually all of the remaining recreation areas will be encroached. She also expressed concern regarding traffic and safety issues that the new library will create.

Tom Niles, Portsmouth, cautiously supports the new library and was concerned with the additional traffic flow due to the middle school and sports.

Tracey Whitney, Portsmouth, was concerned that the new library location will increase the traffic flow for an already busy street. She was also concerned that once the green space is gone that it cannot be replaced.

Karina Tefft, Portsmouth, was concerned about the street traffic with the new library. She also felt that the location of the library is very close to the residents on the street.

Ruth Griffin, Portsmouth, wanted to remind the City to preserve its historic buildings. She felt that the JFK Building should be preserved as she felt it was a historic building.

VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

A. First reading of Ordinance amending Chapter 5, Article VII, Section 5.702, Paragraphs A, E, and F – Blasting Permit Required

Councilor Whitehouse moved to pass first reading on the amendment to Chapter 5, Article VII, Section 5.702, Paragraphs A, E, and F – Blasting Permit Required and hold a second reading and public hearing at the August 20, 2001 City Council meeting. Councilor Wagner seconded the motion, voted all in favor.

Councilor Marconi explained that she requested further information about the blasting distances at the last meeting and wanted to know if her questions would be addressed. City Manager Bohenko said that her questions could be addressed now or at the public hearing as he intended for the public to know as well.

B. First reading of Resolution Amending the 1999 State Revolving Loan Fund (SRF) Borrowing Resolution #13-1999 for Four Water System Improvement Projects

Councilor Hanson moved to pass first reading of an amendment to the State Revolving Fund Borrowing Resolution, #13,1999, as outlined, and hold a Public Hearing and adoption of the Resolution at the August 20, 2001 City Council meeting. Assistant Mayor Clews seconded the motion, voted all in favor.

C. First reading of Proposed Ordinance Re: Requirement that Mobile Home Park Owners Erect Street Signs

Councilor Pantelakos to pass first reading on a proposed Ordinance, Chapter 13, Article VI, Section 13.612 Signage Requirements, regarding a requirement that mobile home park owners erect street signs and hold a second reading and public hearing at the August 20, 2001 City Council meeting. Councilor Marconi seconded the motion, voted all in favor.

Councilor Hanson questioned the City Attorney if any communication was received from the Defosses. City Attorney Sullivan said there was no further discussion up to this point.

Councilor Wagner said he takes issue with the letter received from the mobile home park because he feels that the City is working together with the owners and having public hearings for the public's input.

- D. Third and final reading of Ordinance amending Chapter 3, Public Health with the Addition of Article VII Mosquito Prevention/Control

Assistant Mayor Clews moved to pass the third and final reading of the Ordinance amending Chapter 3, Public Health, with the addition of Article VIII, Mosquito Prevention/Control. Councilor Grasso seconded the motion, voted all in favor.

VIII. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Susan Miller, Seacoast Hospice thanking the City Council for the budget allocation of \$8,600.00 for their agency to serve the residents of Portsmouth

Councilor Hanson moved to accept and place on file. Councilor Pantelakos seconded the motion, voted all in favor.

- B. Letter from Wendy Segit, Seacoast Mental Health Center requesting permission to hold the fourth annual Bridges 4 Friendship 10k Road Race and 2 mile Fun Walk on Saturday, October 13th at 10:00 a.m.

Councilor Grasso moved to refer to the City Manager with power. Councilor Whitehouse seconded the motion, voted all in favor.

- C. Letter from Jessie Lee, National Multiple Sclerosis Society requesting permission to the annual Surf & Turf Cycling Tour on Saturday August 11th and Sunday August 12th

Assistant Mayor Clews moved to refer to the City Manager with power. Councilor Grasso seconded the motion, voted all in favor.

- D. Letter from Sheri Nadeau, Southeast New Hampshire Habitat for Humanity requesting permission to hold a benefit walk-a-thon on Saturday, September 15, 2001 at 9:00 a.m.

Councilor Pantelakos moved to refer to the City Manager with power. Councilor Grasso seconded the motion, voted all in favor.

- E. Letter from Matthew Mead, Lafayette Road Residents Association (LRRA) thanking Fire Chief Plummer and Fire Marshall Jones for attending and speaking at their annual membership meeting

Councilor Grasso moved to accept and place on file. Councilor Marconi seconded the motion, voted all in favor.

F. Sidewalk Obstruction Application for the following businesses:

1. Beeper Exchange – 1 A-frame sign
2. Serendipity – 1 A-frame sign and mannequin
3. Subway – 2 tables and 4 chairs and 1 A-frame sign

Councilor Grasso moved to refer the above referenced Sidewalk Obstruction Applications to the City Manager with power. Councilor Pantelakos seconded the motion, voted all in favor.

Councilor Whitehouse noted that applicants should be waiting for approval before they place their obstruction on the sidewalks. He feels that the Zoning Officer should be enforcing this issue.

IX. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Report Back from Planning Board Re: Request to Purchase City-Owned Land off McNabb Court

Assistant Mayor Clews moved to accept the Planning Board's recommendation that the City of Portsmouth retain its interests in the McNabb Court right-of-way.

2. Report Back Re: Paper Streets off Peverly Hill Road

City Manager Bohenko requested Planning Director Holden to speak about the issue. Director Holden explained that this has been a very complex issue and each issue was addressed separately to look at what could be done. He said that the Planning Board takes the same action as the City Council regarding paper streets.

Councilor Hanson wanted to know if there was any abutter concerns. Director Holden said that their concerns would be addressed at the Planning Board level with a Site Plan Review.

Councilor Pantelakos moved to accept the Planning Board's recommendation as outlined in the memo from David M. Holden, Planning Director, dated July 24, 2001. Councilor Grasso seconded the motion, voted all in favor.

3. Report Back Re: Request to Erect a Telecommunications Tower at the Public Works Facility

City Manager Bohenko explained the background of the tower and the prior meetings.

Councilor Wagner questioned if a site plan has been reviewed. City Manager Bohenko said that one has not been seen but could if requested. Councilor Wagner wanted to see the plan and wants the public to be aware of the tower before voting.

Councilor Wagner moved to table until the next meeting until a Site Plan with elevations is reviewed by the City Council. Councilor Marconi seconded the motion, voted all in favor.

Councilor Whitehouse was concerned with the size of the tower. He also explained that a tower can have attached satellite dishes which add to the sight of the tower. He feels that the City should regulate the number of satellite dishes to be placed on the tower.

Deputy City Manager Jankowski explained that the City could regulate the number of dishes but explained that the potential revenue loss for the company and for the City.

Councilor Hanson suggested that a balloon be placed in the air at the height of the tower to see what the tower would look like.

4. Proposed Location of New Library

City Manager Bohenko explained that the New Library Building Committee approved the new site of the library at the JFK Building site.

John O'Leary, Chair of the New Library Building Committee, explained the location considerations made. He said that there are a number of issues with the selected location but with further teamwork, it should be resolved.

Councilor Hanson felt that the City should be looking at a conceptual plan. He believes the City should process this slowly to ensure it is done right the first time.

Assistant Mayor Clews believes that a public hearing should be established to involve the community.

Councilor Marconi felt that a conceptual plan is necessary because there are many things to consider. She also wanted to know where the historic preservation activists were to discuss the historic importance of the armory.

Councilor Hanson moved to commence a conceptual design for a library at the JFK Site, and have a complete traffic study done regarding the placement of the library at that location and then proceed with the regulatory process to receive approvals where necessary (the Planning Board, Technical Advisory Committee and Traffic and Safety Committee). Although this site is not in the Historic District, the Council would like to have the HDC do an advisory review of the building design, once it has been completed. In addition, consideration to parking issues and soil conditions must be made and funding be made available through the library's design account. Councilor Pantelakos seconded the motion.

On a roll call vote 7-2, in favor of the motion was Mayor Sirrell, Assistant Mayor Clews, Councilors Hanson, Grasso, Wagner, Hynes, and Pantelakos. Voting opposed to the motion was Councilors Marconi and Whitehouse.

Councilor Whitehouse felt a public hearing is necessary before going to any agencies. He was concerned with the traffic and parking issues that he has heard. He was also concerned that the smallest lot was chosen as the library site.

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Mayor Sirrell said she spoke with Dorothy Vaughn and she will be sending a letter that explains that the armory is not historic.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

Assistant Mayor Clews questioned the City Attorney if the City is obligated to use the site if positive results are discovered from the site review. City Attorney Sullivan explained that the City is not obligated but funds were used for the plan.

Councilor Pantelakos was confused with all the discussion about traffic. She said that the City was attempting to find a site within walking distance of the downtown area. Councilor Hanson said that a site plan will show how many patrons are walkers, using cars, and trolley service.

Councilor Grasso felt it is time to move forward. She said that land is hard to find and this site is less than two miles from Market Square. She feels that there is ample parking because she has seen plenty of open spaces.

Councilor Whitehouse felt that this was the worst location for a library and that other communities do not place a library near a school. Councilor Whitehouse moved to table the issue for thirty days in order to discuss other possible library sites. No second was received to the motion.

Councilor Hynes felt that the JFK Building is a tired building that needs to be removed. He noted that the current library on Islington Street does not offer parking and the new site would offer parking to library patrons.

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Mayor Sirrell explained that no other sites are available to the City at no cost for the land.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

A recess was called at 8:52 p.m.

Mayor Sirrell called the meeting back to order at 9:07 p.m.

5. Proposed Police Civilian Reorganization

City Manager Bohenko explained that the City Council's involvement with police civilian reorganization as per the City Charter. He explained that this issue has been discussed and the City Council and Police Commission are in agreement.

Councilor Hanson moved to adopt the proposed Table of Organization as presented by the Police Commission, and move to authorize the City Manager to bring back an amendment to the Non-Union Salary Ordinance for first reading at the August 20, 2001, City Council meeting. Councilor Marconi seconded the motion, voted all in favor.

6. Request to Bring Back for First Reading a Change in the Salary Schedule for Unclassified Positions for the Victim/Witness Advocate position

City Manager Bohenko explained that the salary schedule reflects a change in the salary for the grant funded Victim/Witness Advocate. The grant program increased the salary due to a cost of living increase.

Councilor Grasso moved to authorize the City Manager to bring back for first reading at the August 20, 2001, City Council meeting a change in the Salary Schedule for Unclassified Positions regarding the Victim/Witness Advocate. Councilor Marconi seconded the motion, voted all in favor.

7. Redistricting Re: Border Between Wards 1 and 3

City Manager Bohenko explained that the redistricting issue arose due to a technical error in the ward lines of Wards 1 and 3 and this needs to be corrected as per state statute.

Councilor Whitehouse moved to authorize the City Clerk to work with the City Attorney and State to determine whether the border between Wards 1 and 3 can remain in place or must be changed to follow a fixed boundary. Councilor Grasso seconded the motion, voted all in favor.

B. MAYOR SIRRELL

1. City Council Policy 01-01 Downtown Street Closings

Mayor Sirrell passed the gavel to Assistant Mayor Clews.

Mayor Sirrell asked the City Manager to read the policy in its entirety.

Mayor Sirrell said the Council has worked hard to include and help all the businesses and clergy.

Assistant Mayor Clews passed the gavel back to Mayor Sirrell.

Councilor Whitehouse questioned the word “may” in the policy. City Manager Bohenko said the word “may” gives the Council the choice to refer or not to refer.

Mayor Sirrell moved to adopt the City Council Policy 01-01, Downtown Street Closings. Councilor Pantelakos seconded the motion, voted all in favor.

2. Reports

Mayor Sirrell shared two letters of thanks from residents who enjoy the Spinnaker Point Athletic Facility. Mayor Sirrell also shared a letter of thanks from a neighborhood advising how quickly a situation was taken care of.

C. ASSISTANT MAYOR CLEWS

1. Youth Committee Report

Assistant Mayor Clews explained that subsequent to the minutes of the Youth Committee, work has started for a Virtual Youth Center. This center will involve the students and they can work as interns to receive course credits. The center will list all events that pertain to students, calendar of events, and other helpful information.

Councilor Marconi suggested that community service activities be added to the center for information.

2. Energy Efficient Buildings

Assistant Mayor Clews explained that the City is in the process of building two new buildings and energy efficiency needs to be addressed. Assistant Mayor Clews explained a program called the Energy Star program and how it assists with money to help with energy efficiency. She will be providing further information to the Council in hopes that the City can work with the Energy Star program.

D. COUNCILOR HANSON

1. Proposed Charter Amendments

Councilor Hanson explained the two proposed charter amendments. He explained that the amendment in reference to gender neutrality would change the charter from its current male reference. The second amendment would change the salary amendment process to follow the current ordinance adoption procedures.

Councilor Hanson moved to hold a public hearing on the proposed charter amendment(s) at the August 20, 2001 City Council meeting. Councilor Grasso seconded the motion, voted all in favor.

2. Traffic & Safety Committee Action Sheet and Minutes of the July 19, 2001 meeting

Councilor Hanson moved to accept the July 19, 2001 Traffic and Safety Committee Action Sheet and Minutes. Councilor Pantelakos seconded the motion, voted all in favor.

3. Parking Committee Action Sheet and Minutes of the July 19, 2001 meeting

Councilor Hanson moved to accept the July 19, 2001 Parking Committee Action Sheet and Minutes. Councilor Marconi seconded the motion, voted all in favor.

E. COUNCILOR GRASSO

1. Arts and Culture Committee Report

Mayor Sirrell congratulated the group for their efforts. Councilor Grasso said that the Committee is having frequent meetings and is working hard to have a full report ready by the end of the year. She explained how the Committee is working on achieving their goals set. She explained that a survey of local patrons is in the process to give further insight to local arts.

X. MISCELLANEOUS/UNFINISHED BUSINESS

- A. Approval of Grants

1. State of NH Department of Justice Byrne Grant Program for continuation of the Middle School Resource Officer Program

Councilor Hanson moved to accept the \$25,000.00 grant from State of NH Department of Justice Byrne Grant Program for continuation of the Middle School Resource Officer Program. Assistant Mayor Clews seconded the motion, voted all in favor.

2. State of NH Department of Justice Byrne Grant Program for continuation of our participation in the NH Drug Task Force

Councilor Hanson moved to accept the \$39,829.00 grant from State of NH Department of Justice Byrne Grant Program for continuation of our participation in the NH Drug Task Force. Assistant Mayor Clews seconded the motion, voted all in favor.

XI. ADJOURNMENT

Councilor Whitehouse moved to adjourn at 9:40 p.m. Councilor Pantelakos seconded the motion, voted all in favor.

Minutes taken and typed by:
B. Christopher Maxwell, Deputy City Clerk