

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 10, 2003

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:00 p.m., an anticipated non-meeting with counsel was held regarding land acquisition.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Sirrell, Councilors Grasso, Lown, Hynes, Pantelakos, Whitehouse, Marconi and St. Laurent

Absent: Assistant Mayor Hanson

III. INVOCATION

Mayor Sirrell asked everyone to join in a moment of silent prayer in memory of the Columbia Space Shuttle crew and their families.

IV. PLEDGE OF ALLEGIANCE

Councilor St. Laurent led in the Pledge of Allegiance to the Flag.

PRESENTATION – GEORGE HOSKER – HOLIDAY PARADE

Mayor Sirrell presented George with a Proclamation in appreciation of his time and efforts dedicated to our annual Holiday Parade.

George thanked Mayor Sirrell and the City Council for this recognition. He said it is an honor to serve the community.

MAYOR'S AWARD – ALAN BRADY, CITY'S WEBMASTER

Mayor Sirrell and City Manager Bohenko presented Alan with a Mayor's Award in appreciation of his hard work and talents with the City of Portsmouth web site that resulted in its selection as one of twelve "Top Picks" of county and local government web sites in the country.

Alan thanked Mayor Sirrell and City Manager Bohenko for this award and recognition. He said that he would also like to thank all the individuals that provide the information to be placed on the web site.

V. ACCEPTANCE OF MINUTES – JANUARY 27, 2003

Councilor St. Laurent moved to accept and approve the City Council minutes of the January 27, 2003 meeting. Seconded by Councilor Marconi and voted.

VI. PUBLIC COMMENT SESSION

Carvel Tefft spoke regarding last Thursday nights Planning Board public hearing regarding the location of the new library. He said a motion was made by a member of the Planning Board to table the issue pending further parking studies. He expressed concern with the motion not being heard favorably by the Board. He also asked if the City would be following the land use rules and regulations when it comes to the building of the new library at the former JFK site.

Peter Bresciano spoke regarding the budget and the difficulty people are experiencing paying their taxes. He said any further increase in the tax rate would cause some people to lose their homes. He is pleased that the City Council is requesting a zero increase budget, but he doesn't feel that is something that will happen.

Ed Lawrence said that people should not be limited to three minutes in the public comment session when there are less than 10 speakers. He said that the City Council should be interested in getting the involvement of the residents to participate instead of limiting the amount of time allowed for someone to speak.

VII. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Zach Rahn, Student Council President, and Mary Carey Foley, Student Council Advisor, requesting permission to hold Student Government Day on Thursday, March 27, 2003

Zach Rahn and Spencer Phillip spoke on the importance of participating in Student Government Day. Zach and Spencer both spoke regarding their experiences in participating in previous Student Government Days.

Councilor Grasso moved to accept the request to hold Student Government Day on Thursday, March 27, 2003. Seconded by Councilor St. Laurent and voted.

- B. Letter from Drika Overton, Portsmouth Percussive Dance Festival, and Jeff Gabel, The Music Hall Executive Director, requesting permission to close off Pleasant Street between Market Square and Porter Street for street performances and to conduct a parade on Friday, June 27, 2003 or Saturday, June 28, 2003

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

- C. Letter from Nancy Normile, Sexual Assault Support Services, requesting permission to hold the 11th Anniversary Walk-a-thon on Sunday, April 27, 2003

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

- D. Letter from Connie Stumm, Greater Portsmouth Chamber of Commerce, requesting permission to hold the 8th Annual Portsmouth Harbour Trail 5k Road Race on Saturday, July 12, 2003

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

Councilor Whitehouse expressed concern with the routes for walks taking place in the south end where the streets are narrow.

Motion passed.

- E. Letter from Donald Allison, Eastern State 20 Mile, requesting permission to hold the Eastern States 20 Mile Road Race on Sunday, March 30, 2003

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

- F. Letter from Susan Graham, Robert Foley, and Town Wellman requesting money to fund a statewide anti-casino referendum campaign

Councilor Grasso moved to accept and place the letter on file. Seconded by Councilor Pantelakos and voted.

- G. Letter from Steve Mayo, RPL Properties, LLC, requesting to rename Ledgewood Drive to Winway Place

Councilor Pantelakos moved to refer the request to rename Ledgewood Drive to Winway Place to the Planning Board for a report back. Seconded by Councilor Grasso and voted.

VIII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request for Approval of Proposed Resolution for Continued State Funding of Land and Community Heritage Investment Program (LCHIP)

City Manager Bohenko requested that the City Council grant approval of this resolution.

Councilor Grasso moved to approve the proposed resolution in support of continued state funding for the Land and Community Heritage Investment Program. Seconded by Councilor Hynes and voted.

2. Tree Protection Easement – 755 Banfield Road

City Attorney Sullivan informed the City Council that the developer has offered the city a tree protection easement. He said that the Planning Board has accepted the easement to preserve the stand of trees on the property.

Councilor Whitehouse moved to accept the "Tree Protection Easement" at 755 Banfield Road and authorize the City Manager to execute the necessary documents. Seconded by Councilor Marconi and voted.

City Manager Bohenko reminded the City Council of the work session scheduled on March 24th regarding the Capital Improvement Plan. He said that the City Council would hold the public hearing on the CIP at the March 31st Council meeting. He also discussed the need to reschedule the public hearing on the Pedestrian Pilot Program because of scheduling conflicts. He recommended holding the public hearing some time in May.

Councilor Grasso moved to authorize Mayor Sirrell and City Manager Bohenko to establish a public hearing on the Pedestrian Pilot Program sometime in April or May. Seconded by Councilor Lown and voted.

B. MAYOR SIRRELL

1. Appointments

The City Council considered the reappointments of J. Lyn Walters to the Conservation Commission and Everett Eaton to the PEDLP Review Committee. These appointments will be voted on by the City Council at the March 3, 2003 City Council meeting.

Councilor Hynes moved to reappoint David Bangs to the PEDLP Review Committee until February 10, 2005. Seconded by Councilor Pantelakos and voted.

Councilor St. Laurent moved to appoint Steven Berg as an alternate to the Board of Adjustment until December 1, 2008. Seconded by Councilor Grasso and voted.

3. Donation for the Old State House

Mayor Sirrell passed the gavel to Councilor Grasso.

Mayor Sirrell moved to accept the donation of \$500 for the Old State House Fund from David Engel. Seconded by Councilor St. Laurent and voted.

2. Proposed Blue Ribbon Committee on Trees and Public Greenery

Mayor Sirrell spoke on the establishment of a Blue Ribbon Committee on Trees and Public Greenery. She said that the Committee would be made up of 5 people, 2 residents, and representative from the Urban Forestry Center, Steve Parkinson, Public Works Director, and Mark Tanner of the Public Works Department.

Mayor Sirrell moved to authorize a Blue Ribbon Committee on Trees and Public Greenery. Seconded by Councilor St. Laurent.

Councilor Lown commended Mayor Sirrell and the City Manager for moving forward on this matter.

City Manager Bohenko said that we would review the Ordinance that states that the City Arborist is a volunteer. He said that we would also discuss a range of issues regarding the preservation of trees and greenery. He advised the City Council that there is \$10,000 in the CIP for tree replacement.

Councilor Marconi said that when trees are replaced it is important that the City maintains them and not relies on the merchants as was done in the past and the trees died from lack of care.

City Manager Bohenko said that we would look City wide for replacement of trees and the City would be responsible for the caring of the trees.

Motion passed.

Councilor Grasso passed the gavel back to Mayor Sirrell.

IX. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse said that under the public comment session this evening Carvel Tefft asked if the City has to follow our own land use rules regarding the building of the new library.

City Attorney Sullivan said that there is a provision in the Zoning Ordinance, which strongly suggests but does not compel the City to follow its own rules. He said because of the strong suggestion contained in the provision of the ordinance the City for a great number of years has typically followed its own rules in the work that we have done. However, the provision does allow in an appropriate case that the City would not have to follow its own rules. He informed the City Council that the City is following its own rules in regards to the library development.

Councilor Grasso said that the comments made during the public comment session were made out of context. She said that the Planning Director stepped in when a Planning Board member insisted that it was a State law that the City had to follow its own land use rules.

City Attorney Sullivan said that the Planning Director may have over extended himself in the heat of the moment.

X. ADJOURNMENT

At 7:50 p.m., Councilor Hynes moved to adjourn. Seconded by Councilor Lown and voted.

KELLI L. BARNABY, CITY CLERK