

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 1, 2003

PORTSMOUTH, NH
TIME: 7:00 PM

At 6:15 p.m., a Non-Meeting with counsel was held regarding litigation.

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:10 p.m.

II. ROLL CALL

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

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Assistant Mayor Hanson led in the pledge of allegiance to the flag.

PRESENTATION

1. George Hosker Re: 2003 Portsmouth Holiday Parade

George Hosker announced that the Holiday Parade would be held on Saturday, December 6th at 6:00 p.m.

PROCLAMATION

1. Human Rights Day – December 10, 2003

Mayor Sirrell presented the Proclamation to Peter Somssich declaring December 10, 2003 as Human Rights Day.

2. Proclamation – Recognition of Carlton McNeil service to the Conservation Commission

Mayor Sirrell presented the Proclamation to Alan Sturgis, Chair of the Conservation Commission in recognition of Carlton's 15 years of service to the Commission. Mayor Sirrell announced that Carlton recently passed away.

V. ACCEPTANCE OF MINUTES – NOVEMBER 17, 2003

Councilor St. Laurent moved to accept and approve the minutes of the November 17, 2003 City Council meeting. Seconded by Councilor Marconi and voted.

VI. PUBLIC COMMENT SESSION

Martin Cameron spoke regarding the policy used for reassessments in the City. He said that some taxpayers are paying more than their share and the yearly revaluation should be stopped.

Nancy Johnson spoke in support of the amendments to the zoning ordinance for the North Mill Pond area.

VII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Third and final reading Chapter 10, Article III, Section 10.301(a)(7) – General Requirements – by the addition of the following language – No structure, building, street, driveway, road, accessory structure, boat landings or parking areas; except, those serving marine purposes and which are otherwise authorized by this Ordinance, shall be located within one hundred feet of the salt water marsh wetlands or mean high water line of North Mill Pond. For purposes of this Ordinance, this area begins at Bartlett Street and extends along the westerly edge of the North Mill to Maplewood Avenue. (Additional regulations are contained in Article VI)

Assistant Mayor Hanson moved to pass third and final reading. Seconded by Councilor Whitehouse.

Councilor St. Laurent said that he supports the ordinance and would like to see the other areas protected as well. Councilor St. Laurent moved to suspend the rules to amend the last sentence of the ordinance from North Mill to *North Mill Pond*. Seconded by Councilor Lown and voted.

Councilor Grasso moved to pass the main motion as amended. Seconded by Councilor Lown and voted.

VIII. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Ellen Hayden requesting permission for the Bethany Performing Group to perform on December 6, 2003 in Market Square at 3:00 p.m. and again at 3:45 p.m.

Councilor Grasso moved to refer to the City Manager with power. Seconded by Councilor Whitehouse.

Councilor Pantelakos expressed concern with the request to use amplified music.

Motion passed.

- B. Letter from Faith Linsky, American Diabetes Association, requesting permission to hold the annual Tour de Cure on May 2, 2004

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

- C. Letter from Marjorie Hubbard, Portsmouth Chamber of Commerce, requesting permission to hang Portsmouth Harbour Trail flags at 25 key sites for the 2004 season

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

Councilor Grasso requested that the City Manager report back to the City Council with the date the flags will be installed and removed.

Motion passed.

- D. Letter from Suzy Greene, Dog Owner's Group of Portsmouth, requesting permission to hold the 4th annual Pet Portraits at the South Mill Pond on Saturday, December 6, 2003 from Noon to 2:00 p.m.

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

- E. Letter from Portsmouth residents requesting to establish a sister city-program between Portsmouth and Accra, capital of Ghana, Africa

City Attorney Sullivan said that this request is to pursue the establishment of a sister city. He said that a memorandum of understanding would need to come forward before the City Council.

Sister Cities Ambassador Eileen Foley spoke in support of the establishment.

Councilor Grasso moved to support this group in the establishment of Accra as a Sister City. Seconded by Councilor Pantelakos and voted.

- F. Request from Judy Pinkham, United Way, to place a United Way Thermometer on the sidewalk in front of Fleet Bank in Market Square

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

IX. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request to Establish a Public Hearing Regarding Proposed Resolution Authorizing a Supplemental Appropriation from Designated Fund Balance for Necessary Expenditures for Contractual Obligations

City Manager Bohenko said that he provided a copy of the resolution for necessary expenditures for contractual obligations. He said that this is 3% of the total payroll. He advised the City Council that a public hearing must be held and recommends that this be done at the December 15th meeting.

Assistant Mayor Hanson moved to establish a Public Hearing at the December 15th City Council

meeting regarding a Resolution for supplemental appropriation from designated fund balance in the amount of \$995,000 for necessary expenditures for contractual obligations. Seconded by Councilor Marconi and voted.

2. Planning Board Report Back Re: Proposed Donation of Land

City Manager Bohenko said that the Planning Board recommends approval of the donation and authorize him to execute all documents.

Councilor St. Laurent moved to accept the Druker Company's donation of 17.5 acres of land shown on the City of Portsmouth's assessor plan 234 as Lot 7-3. Further, to allow the City Manager to execute all documents for the acceptance of this donation. Seconded by Assistant Mayor Hanson.

Councilor Lown moved to amend the motion by changing the word allow to *authorize* in the last sentence. Seconded by Councilor St. Laurent and voted.

Councilor St. Laurent moved to pass the main motion as amended. Seconded by Assistant Mayor Hanson and voted.

3. U.S. Route 1 Bypass Advisory Committee

City Manager Bohenko said that he is recommending this Committee. He is reviewed the members and requested the City Council to accept the membership as presented.

Councilor Pantelakos said that a member from the area business community should be added for representation.

Councilor Whitehouse moved to accept the City Manager's recommendation regarding the approval of the Route 1 Bypass Advisory Committee. Seconded by Councilor Grasso.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that the City-Wide Neighborhood Committee has been working on issues relating to the Route 1 Bypass for many years.

Councilor Marconi said that there should be business representation on this committee. Councilor Marconi moved to amend the motion to add a business owner as a member to the Committee. Seconded by Councilor Whitehouse and voted.

Councilor Whitehouse moved to pass the main motion as amended. Seconded by Councilor Grasso and voted.

The following is a list of Committee Members:

- City Council Representative (to be appointed by the Mayor)
- Planning Board Representative (to be appointed by the Chair of the Planning Board)
- Traffic & Safety Committee Representative (appointed by Traffic & Safety Committee Chair)
- Rockingham Planning Commission Representative (appointed Commission Chair)
- Citywide Neighborhood Association Representatives – Paula Glynn & Tylene Jousse

- Police Chief Michael Magnant or his designee – staff
- Steve Parkinson, Public Works Director – staff
- John Burke, Parking & Transportation Director – staff
- David Holden, Planning Director – staff
- Business Owner

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

B. MAYOR SIRRELL

1. Appointments/Resignations

Councilor Whitehouse moved to accept with regret the resignation of Thomas Ferrini from the Economic Development Commission effective December 31, 2003. Seconded by Councilor St. Laurent and voted.

Assistant Mayor Hanson moved to accept with regret the resignation of Hank Greenberg from the Traffic & Safety Committee effective January 1, 2004. Seconded by Councilor Marconi and voted.

Councilor Grasso moved to accept with regret the resignation of Gia Yannekis from the Citizens Advisory Committee. Seconded by Councilor Whitehouse and voted.

Councilor Whitehouse moved to reappoint Betty Sanford to the Taxi Commission until December 31, 2005. Seconded by Councilor Marconi and voted.

Councilor Grasso moved to reappoint Dana Levenson to the Board of Library Trustees until October 1, 2006. Seconded by Councilor St. Laurent and voted.

Assistant Mayor Hanson moved to reappoint Suzanne Foley to the Board of Library Trustees until October 1, 2006. Seconded by Councilor Grasso and voted.

Councilor Grasso moved to appoint Jane Sweeney to the Mayor's Blue Ribbon Cemetery Committee. Jane will serve as an ex-officio and be a non-voting member. Seconded by Councilor Whitehouse and voted.

Councilor Grasso moved to appoint June Rogers to the Mayor's Blue Ribbon Cemetery Committee. Seconded by Councilor Lown and voted.

Councilor St. Laurent moved to appoint Eva Powers as an alternate to the Conservation Commission until April 1, 2006. Seconded by Councilor Grasso and voted.

Assistant Mayor Hanson moved to reappoint Kenneth Smith to the Planning Board until December 31, 2006. Seconded by Councilor Grasso and voted.

2. Frank Jones Farm Neighborhood Christmas Potluck, December 11th

Mayor Sirrell announced that the Frank Jones Farm Neighborhood would be holding a Christmas Potluck on December 11th.

C. ASSISTANT MAYOR HANSON

1. Traffic & Safety Committee Action Sheet & Minutes of the November 20, 2003 meeting

Assistant Mayor Hanson moved to accept and approve the Traffic & Safety Committee action sheet and minutes of the November 20, 2003 meeting. Seconded by Councilor Marconi and voted.

2. Parking Committee Action Sheet & Minutes of the November 20, 2003 meeting

Assistant Mayor Hanson moved to accept and approve the Parking Committee action sheet and minutes of the November 20, 2003 meeting. Seconded by Councilor Hynes.

Councilor Whitehouse asked if we are planning to meter the Parrott Avenue lot for a pilot program. Assistant Mayor Hanson said that it would come before the City Council for a decision. Councilor Whitehouse said that he would vote against this motion because of the possibility of the pilot program. City Manager Bohenko said that the pay in place program is used throughout the country. He said that this would be for two-multi spaced parking units to review this program. The funding would be put into the capital improvement plan for City Council approval.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she is against this motion. She said that you would see employee vehicles parking in front of the downtown shops again and said that it is a bad idea. City Manager Bohenko said it is important and suggested not focusing on Parrott Avenue but to consider the program itself.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

Assistant Mayor Hanson said that this is an advisory committee that makes suggestions to the City Council. This is a recommendation to put money in the capital plan for multi-space parking pay stations.

Mayor Sirrell passed the gavel to Assistant Mayor Hanson.

Mayor Sirrell said that she does not want to see a pay station installed into a location that currently does not have metered parking.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

Assistant Mayor Hanson moved to divide the question. Seconded by Councilor Pantelakos and voted.

Assistant Mayor Hanson moved to accept and approve the Parking Committee minutes. Seconded by Councilor Pantelakos.

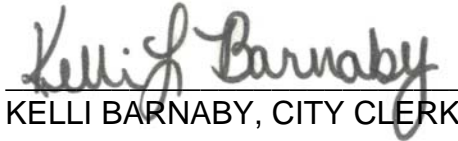
Councilor Whitehouse moved to not accept Section VII. A. – Multispace Parking Pay Stations from the Parking Committee minutes. Seconded by Councilor Marconi and voted. Councilors Grasso and Hynes voted opposed.

Assistant Mayor Hanson moved to pass motion as amended. Seconded by Councilor Pantelakos and voted.

Councilor Grasso moved to accept and approve the Parking Committee Action Sheet. Seconded by Councilor Pantelakos and voted.

XI. ADJOURNMENT

At 8:35 p.m., Councilor Whitehouse moved to adjourn. Seconded and voted.


KELLI BARNABY, CITY CLERK