

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 4, 2004

PORTSMOUTH, NH
TIME: 7:00PM

At 6:15 p.m., a non-meeting with counsel was held regarding negotiations.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Sirrell, Councilors Grasso, Ferrini, Marchand, Pantelakos, Hynes, Whitehouse and Raynolds

Absent: Assistant Mayor Hanson

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Pantelakos led in the Pledge of Allegiance to the Flag.

PROCLAMATIONS

1. David "Lou" Fernald – Portsmouth Police Department

Councilor Hynes read the proclamation in recognition of Dave's promotion to captain in the Police Department. Mayor Sirrell presented the proclamation to Dave who accepted it with appreciation.

2. Corey MacDonald – Portsmouth Police Department

Councilor Pantelakos read the proclamation in recognition of Corey's service and accomplishments with the Police Department. Mayor Sirrell presented the proclamation to Corey who accepted it with thanks and appreciation.

3. City Year New Hampshire

Councilor Grasso read the proclamation in recognition of the 5th year of City Year New Hampshire Program. Mayor Sirrell presented the proclamation to Pawn who accepted it with thanks and appreciation.

PRESENTATION

1. Hugh Jencks – Peirce Island Committee (not on agenda)

Hugh provided an updated on the Peirce Island Committee and presented a check in the amount of \$1,000 for the Peirce Island Trust Fund. He thanked City Manager Bohenko, City staff, and City Council for their continued support. He said that there has been an increase in the use of the island based in part to the upgrades made to the area.

Councilor Whitehouse moved to accept the donation. Seconded by Councilor Pantelakos and voted.

2. Mike Morrison, Municipal Pest Control – Discussion Re: Mosquito Control

Mike provided a brief presentation outlining the program and its importance. He discussed the four stages and biology make up of a mosquito. He explained the need for a pest control program and the benefits and the components of the spray used.

3. Russ Grazier – Portsmouth Music & Arts Center

Russ provided a PowerPont presentation on the Portsmouth Music and Arts Center. He said the center was founded two years ago and is a non-profit organization. He said the center is working to preserve the musical artistic cultural heritage in the City.

V. ACCEPTANCE OF MINUTES – SEPTEMBER 20, 2004

Councilor Pantelakos moved to accept and approve the minutes of the September 20, 2004 City Council meeting. Seconded by Councilor Grasso and voted.

VI. PUBLIC COMMENT SESSION

Harold Ecker said the City needs to find the right site for a new library and the JFK building is not that site. The new library would be better suited at the former federal building downtown.

Bob Warner, resident of the Town of Rye, spoke against a new library being built at the JFK site. He discussed the loss of parking spaces in the area to the residents of Richards Avenue if a new library was built at the JFK site. He said that adequate parking is not available at the JFK site for a new library.

Bill St. Laurent said the Association of Portsmouth Taxpayers endorsed the position of getting the right site for a new library. He said that the JFK site would create more problems than it would solve. He said that there are other sites that better fit the needs for a new library.

Rick Horowitz spoke on the need to find a more appropriate site for the new library. He said that there are a large number of people opposed to the JFK being demolished and the construction of a new library at that site.

Eileen MacDonald said that she does not want her property sprayed for mosquitoes in the future. She provided the City Council with a record of her veterinarian bills for her dog who suffered an allergic reaction to the spray.

George Hosker announced that the Holiday Parade would be held on Saturday, December 14th at 6:00 p.m. and the theme for this years parade is "Hometown Heroes."

VII. PUBLIC HEARINGS

- A. ORDINANCE AMENDING CHAPTER 10, ARTICLE I, SECTION 10-102 – DEFINITIONS, ARTICLE II, SECTION 10-201 (A), ARTICLE II, SECTION 10-208, ARTICLE II, SECTION 10-213 AND ZONING MAP – DOWNTOWN OVERLAY DISTRICT

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

Deputy City Manager Hayden said that the amendment relates to the downtown. She said that the amendment is to promote continuing economic vitality in the Central Business District by preserving and promoting active street-level retail and commercial uses, while continuing to encourage residential uses to occupy the upper floors. She reviewed the map of the proposed overlay district. She introduced Rick Taintor who has been assisting the City with this and the master plan process. Rick said that this amendment preserves the downtown area.

Ralph DiBernardo, Portsmouth resident, spoke in favor of the proposal and said it is important for the future of the City and the protection of the downtown business district.

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

- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE I – PARKING METERS, VARIOUS SECTIONS, ARTICLE IV – OFF-STREET PARKING AREAS; ARTICLE III – TRAFFIC ORDINANCE, VARIOUS SECTIONS; ARTICLE IX – PENALTIES, FORFEITURES AND SEPARABILITY; AND ARTICLE X – TOWING, VARIOUS SECTIONS

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

City Manager Bohenko said the purpose of this amendment is to formally transfer authority of meter enforcement for the City.

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

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Lincoln Avenue – southerly side from Richards Avenue a distance 40 feet westerly and from Miller Avenue a distance 80 feet easterly

Councilor Whitehouse moved to pass first reading of amended ordinance, as submitted, and hold a public hearing and second reading at the October 25, 2004 City Council meeting. Seconded by Councilor Grasso and voted.

- B. Second reading of Ordinance amending Chapter 10, Article I, Section 10-102 – Definitions, Article II, Section 10-201 (A), Article II, Section 10-208, Article II, Section 10-213 and Zoning Map – Downtown Overlay District

Councilor Grasso moved to pass second reading of amended ordinance, as submitted and hold a third and final reading at the October 25, 2004 City Council meeting. Seconded by Councilor Pantelakos.

Councilor Whitehouse said that the downtown overlay district map should be published in the newspaper or on the website. He said that he would like to table second reading until the map has been published in the paper.

Councilor Whitehouse moved to table second reading of the ordinance until October 25, 2004 to allow the map to be published in the newspaper. No second received.

Motion passed with Councilor Whitehouse voting opposed.

- C. Second reading of Ordinance amending Chapter 7, Article I – Parking Meters, various sections, Article IV – Off-Street Parking Areas; Article III – Traffic Ordinance, various sections; Article IX – Penalties, Forfeitures and Separability; and Article X – Towing , various sections

Councilor Ferrini moved to pass second reading of amended ordinance, as submitted and hold a third and final reading at the October 25, 2004 City Council meeting. Seconded by Councilor Whitehouse and voted.

- D. Third and final reading of Ordinance and Zoning Map amendment to Chapter 10, Article II, Section 10-202 – Location to rezone the property located at Assessors Map R-38, Lot 020 – Portsmouth Circle Business Center from Office Research (OR) to General Business (GB)

Councilor Grasso moved to pass third and final reading of amended ordinance, as submitted. Seconded by Councilor Pantelakos and voted.

- E. Third and final reading of Ordinance amending Chapter 12, Part II, International Residential Code, 2003, Section R317 Dwelling Unit Separation

Councilor Reynolds moved to pass third and final reading of amended ordinance, as submitted. Seconded by Councilor Whitehouse and voted.

IX. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Attorney Bernard Pelech requesting that Moffat Street be accepted as a city street

Councilor Grasso moved to refer to the Planning Board for a report back. Seconded by Councilor Pantelakos.

Councilor Pantelakos asked why there are no sidewalks on this street. Planning Director Holden said the street is serving two homes and sidewalks were not necessary but if further development takes place, sidewalks would be required.

Motion passed.

- B. Letter from Austin Bishop, Saucony, requesting permission to conduct an outdoor still photoshoot on Friday, October 22nd through Tuesday, October 26th

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

- C. Letter from Jennifer Slade, Attrezzi, requesting permission to hold the Fall Community Tag Sale on October 10th and close the small 16-car parking lot on the corner of Market and Hanover Street from noon to 6:00 p.m. (*Rain date of October 17th*)

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

- D. Letter from Kathie Lynch, President of Portsmouth Little League, Inc., requesting permission to place a sign on the back of the scoreboard at the Plains Field advertising a local radio station

City Manager Bohenko recommended referring the request to the Planning Board for a report back.

Councilor Whitehouse moved to refer to the Planning Board for a report back. Seconded by Councilor Pantelakos.

Councilor Whitehouse said that he is not in favor of any permanent signage.

Motion passed.

- E. Letter from Thomas Shaheen, Great Bay Services, regarding Payment in Lieu of Taxes (PILOT)

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

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Request for Approval of the Collective Bargaining Agreement between the Portsmouth Police Ranking Officers Association and the Portsmouth Police Commission

Councilor Pantelakos moved to table the Agreement until October 25, 2004 for a further non-meeting with counsel. Seconded by Councilor Whitehouse and voted.

- 2. Report Back Re: Proposed Installation of NH Public Radio Repeater

City Manager Bohenko advised the City Council that the Planning Board and Historic District Commission have recommended granting permission to install the radio repeater. He said that the City would receive \$250.00 per month under the 10-year lease agreement.

Councilor Pantelakos moved to accept the recommendations of the Planning Board and the Historic District Commission to grant permission to allow the installation of a New Hampshire Radio Repeater atop City Hall. Seconded by Councilor Raynolds and voted.

- 3. Proposed Work Session Re: Budget Format/Process Follow up

City Manager Bohenko said he is recommending holding a work session on October 28th to further discuss the budget process and format.

Councilor Grasso moved to establish a work session on Thursday, October 28th at 6:30 p.m. in Conference Room A. Seconded by Councilor Ferrini and voted.

- 4. Request to Add to November 15th Work Session

City Manager Bohenko said he would like to add a presentation on the new Conference Center for the Sheraton Hotel to the November 15th work session. He advised the City Council that he would be sending them a detailed memorandum on the Sheraton and its status this week.

Councilor Hynes moved to hold the presentation on the conference center immediately following that of the Lafayette School at the November 15th City Council Work Session. Seconded by Councilor Grasso and voted.

Councilor Whitehouse said that there should not be a time limit for the work session agenda of November 15th.

City Manager Bohenko said that both issues are important and we will stay until all business is concluded.

B. MAYOR SIRRELL

1. Donation to the Coalition Legal Fund

Mayor Sirrell passed the gavel to Councilor Grasso.

Mayor Sirrell moved to accept the \$500 contribution from the Town of Sugar Hill to be placed in the Coalition Legal Fund. Seconded by Councilor Pantelakos and voted.

2. Holiday Parade

Councilor Pantelakos moved to approve the request to hold the Holiday Parade on Saturday, December 4, 2004. Seconded by Councilor Marchand and voted.

3. Appointments

Mayor Sirrell moved to appoint Eva Powers as a regular member to the Conservation Commission filling the unexpired term of Alanson Sturgis until April 1, 2006. Seconded by Councilor Pantelakos and voted.

Mayor Sirrell moved to appoint Jennifer Marcelais to the Cemetery Committee. Seconded by Councilor Pantelakos and voted.

Councilor Grasso passed the gavel back to Mayor Sirrell.

C. ASSISTANT MAYOR HANSON

1. Traffic & Safety Committee Action Sheet and Minutes of the September 16, 2004 meeting

Councilor Ferrini moved to accept and approve the Traffic & Safety Committee action sheet and minutes of the September 16, 2004 meeting. Seconded by Councilor Whitehouse and voted.

D. COUNCILOR PANTELAKOS

1. Dog Park Ordinance Re: Children

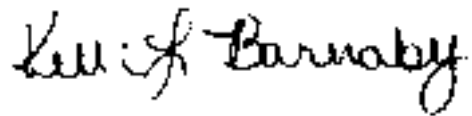
Councilor Pantelakos recommended that we put the dog park rules and regulations into an ordinance. She said that there are concerns allowing kids inside the park and the liability to the City.

City Manager Bohenko said that before an ordinance is drafted we need a consensus from the City Council to bring a first reading back for the October 25th City Council meeting.

Councilor Pantelakos moved to bring back an ordinance for first reading at the October 25, 2004 City Council meeting regarding rules and regulations for the dog park. Seconded by Councilor Grasso and voted.

XII. ADJOURNMENT

At 9:30 p.m., Councilor Hynes moved to adjourn. Seconded and voted.

A handwritten signature in black ink, appearing to read "Keith Barnaby". The signature is written in a cursive, flowing style.