

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, DECEMBER 6, 2004

PORTSMOUTH, NH
TIME: 7:00PM

At 6:30 p.m., a reception was held in the Portsmouth Room honoring the Portsmouth High School Girls' Volleyball Team Class L Champions.

I. CALL TO ORDER

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

II. ROLL CALL

Present: Mayor Sirrell, Assistant Mayor Grasso, Councilors Ferrini, Marchand, Pantelakos, Hynes, Whitehouse, Reynolds and St. Laurent

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATION & PROCLAMATION

1. Portsmouth High Girls' Volleyball Team Class L Champions

George Hosker presented Co-Captains Caitlin Dowd and Maria Nocas with the Mayor's Choice Award in recognition of the Girl's Volleyball Team Class L Championship. Assistant Mayor Grasso read a proclamation in honor of their accomplishments, which was presented by Mayor Sirrell along with each member of the team and coaches receiving a T-shirt and city pin.

PROCLAMATIONS

1. Sam Jarvis – Metro Restaurant

Councilor Marchand read the proclamation that was presented by Mayor Sirrell in recognition of Sam's generosity and kindness in providing a Thanksgiving dinner on Wednesday, November 24, 2004 for the needy, elderly and homeless.

2. Human Rights Day – December 10, 2004

Councilor Ferrini read the proclamation that was presented by Mayor Sirrell to Peter Somssich declaring December 10, 2004 as Human Rights Day.

MAYOR'S AWARD

1. Russell Van Billiard

Mayor Sirrell presented Russell with a Mayor's Award in recognition of his 30 years of serving on the Citizen's Advisory Committee. Russell accepted the award with thanks and appreciation.

V. ACCEPTANCE OF MINUTES – NOVEMBER 22, 2004

Councilor Pantelakos moved to accept and approve the minutes of the November 22, 2004 City Council meeting. Seconded by Councilor St. Laurent and voted.

VI. PUBLIC COMMENT SESSION

Stephen Clarke, City Year New Hampshire requested the City Council to approve the request of City Year New Hampshire to hold the 4th Annual Martin Luther King March for Justice on January 19, 2005.

Kent LaPage, Chair of School Board, thanked the City Council for recognizing the Portsmouth High School Girls' Volleyball Team. He further thanked the City Manager, Alan Brady and other staff that have assisted the High School in airing various High School sporting events on the Government Channel. He said that the High School will continue to air the events and thanked the City for their cooperation and assistance in the process.

Ray Will spoke in support of the Salvation Army Kettle drive and the need for volunteers during the Holiday season.

VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 9 – MISCELLANEOUS PUBLIC WELFARE BY THE ADDITION OF AN ARTICLE VIII ENTITLED AGGRESSIVE OR MENACING PANHANDLING PROHIBITED

Mayor Sirrell read the legal notice, declared the public hearing open and called for speakers. City Attorney Sullivan briefly reviewed the ordinance for the City Council and its contents. After three calls and no speakers, Mayor Sirrell declared the public hearing closed.

VIII. APPROVAL OF GRANTS AND DONATIONS

- A. Acceptance of Donations to the Cemetery Committee

Assistant Mayor Grasso moved to approve and accept the donations to the Cemetery Committee as listed. Seconded by Councilor Ferrini and voted.

B. Acceptance of DOT and HUD Grants for Riverwalk Project

Councilor Ferrini moved to accept and expend the U.S. Housing and Urban Development grant in the amount of \$993,830 for the purpose of constructing the Piscataqua Riverwalk along a portion of Bow Street. Further, move to accept and expend a \$500,000 transportation enhancement fund grant from the NH Department of Transportation for the purpose of constructing the Piscataqua Riverwalk along a portion of Bow Street. Seconded by Councilor Whitehouse.

Councilor Whitehouse said not everyone approves of a Riverwalk and there has not been any public hearing on the matter. City Manager Bohenko said that if the City Council wants to hold a public hearing on the issue they could. The grant allows us to start the project and it has been identified within the Master Plan since the early 1970's and more actively in the 1990's. He said that we need universal approval from property owners and we are in the process of obtaining those approvals now. He advised Councilor Whitehouse that public meetings have been held regarding the Riverwalk Project.

Councilor Hynes echoed the statement of City Manager Bohenko regarding public meetings being held on the project. He said that over the last year the City has focused on the 400 feet section for the walk. The project will have public hearings with the Planning Board, Historic District Commission and possibly other boards as well.

Councilor Whitehouse said he would like the City Council to hold a public hearing on the Riverwalk Project.

Councilor St. Laurent said he would also like the City Council to hold a public hearing on the project before any other boards.

Motion passed.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10, Article XII, Section 10-1202 – Off-Street Parking Innovation: Inter Modal Transportation Credit for Central Business A and Central Business B Districts – Impact Fee

Councilor Hynes moved to pass first reading of the ordinance, as submitted, and hold a public hearing and second reading at the December 20, 2004 City Council meeting. Seconded by Councilor St. Laurent.

Councilor Marchand said he received some feedback on this ordinance from the business community. He said there is a concern that the additional cost could cause difficulty for the independent business that does not have enough capital to get started. He suggested a delay in the payment through the process for small business owners however, the City would ensure that the business does have the ability to pay the funds when required by the City later in the process.

Councilor Reynolds said that the report was well researched and the cost is justified. He expressed appreciation for the money to be used for potential other remedies to increase the parking supply or decrease the demand.

Councilor Hynes said he has been asked to study the issue of an existing business with parking expanding and moving to the district within the ordinance. The new location would require the need for additional parking and therefore falling under the new proposed impact fee. He suggested tabling the ordinance for further review.

City Manager Bohenko said we should move this matter forward to the public hearing to allow for the business owners to address their concerns to the City Council. He said that a presentation would be given on the ordinance prior to the public hearing.

City Attorney Sullivan said that the City Council needs to consider the collectability of the funds if payment is delayed and the funds are required before a certificate of occupancy can be issued.

Motion passed.

- B. Second reading of Ordinance amending Chapter 9 – Miscellaneous Public Welfare by the addition of an Article VIII entitled Aggressive or Menacing Panhandling Prohibited

Councilor Pantelakos moved to table the ordinance until a work session can be held after January 1, 2005. Seconded by Councilor St. Laurent.

Councilor Ferrini said that the objective of the ordinance is a good but the Council should have a policy discussion on the matter.

Motion passed.

- C. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Islington Street – Route 1 By-Pass Overpass

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

X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITONS

- A. Letter from Pawn Nitichan, City Year New Hampshire, requesting permission to hold the third annual “Martin Luther King Day March of Justice” on Monday, January 17, 2005

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

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Request for Approval of Art-Speak Overnight Art

Chris Dwyer of Arts Speak explained that eleven locations have been selected because of the way they speak to the different themes of the Master Plan. The artwork would be exhibited for up to two weeks in the spring of 2005. The two-week event will conclude with a "Meet the Artists" reception and Art-Speak is requesting that commissioned artists receive a letter of commendation from Mayor Sirrell, which will be awarded at the reception. She further discussed the logistics of the event and proposed locations.

Councilor Raynolds moved to approve the Overnight Art Project and authorize the City Manager to oversee the competition, installation, and removal processes. Seconded by Assistant Mayor Grasso and voted.

2. Newcastle Avenue Public Access and Interpretive Signs

City Manager Bohenko said that in January of 2003 the City Council approved the application, acceptance and expenditure of federal funds for the Newcastle Avenue reconstruction project. He said that the contract needs to be extended for one year with an expiration of the funds in December of 2005.

Assistant Mayor Grasso moved to approve the acceptance of DES funds and approve of entering into a contract with the New Hampshire Department of Environmental Services and that the City Council further authorizes the City Manager to execute any documents which may be necessary for this contract which with this approval expires on December 31, 2005. Seconded by Councilor St. Laurent and voted.

3. Request for Approval Re: Surplus Vehicle Bid

City Manager Bohenko said that the City currently has 9 surplus vehicles for disposal and asked for approval to sell the vehicles through a sealed bid process.

Councilor Pantelakos moved to authorize the City Manager in accordance with City Ordinance 1.505 to dispose of this property through sealed bids. Seconded by Councilor St. Laurent and voted.

4. Report Back: Request for the Acceptance of Moffat Street

City Manager Bohenko said that the Planning Board has reviewed the request and is recommending that the City accept the street with the following condition: Confirmation from the Department of Public Works that payments for all inspection services, which have been conducted on-behalf of the City, have been completed.

Councilor Whitehouse moved to accept the Planning Board's recommendation for the acceptance of Moffat Street as a City Street with the following condition: Confirmation from the Department of Public Works that payments for all inspection services, which has been conducted on-behalf of the City, has been completed. Seconded by Assistant Mayor Grasso and voted.

5. Report Back: Portsmouth Little League Request to Advertise on back of Scoreboard at Plains Field

City Manager Bohenko said that the Planning Board has reviewed the request and is recommending approval for the placement of a sign for a one-year trial period subject to the following conditions: 1) That the sign be placed only from May 1st to September 1st as this time period is approximately the length of the League's season; and, 2) That the sign shall be sized so as not to extend in length or width beyond the size of the scoreboard.

Councilor Hynes moved to accept the Planning Board's recommendation for the placement of a sign advertising a local radio station on the back of the scoreboard at Plains Field for a one-year period subject to the following conditions: 1) That the sign be placed only from May 1st to September 1st as this time period is approximately the length of the League's season; and, 2) That the sign shall be sized so as not to extend in length or width beyond the size of the scoreboard. Seconded by Councilor Ferrini.

Mayor Sirrell passed the gavel to Assistant Mayor Grasso.

Mayor Sirrell said that she contacted the neighborhood on this matter and they are not opposed to the request, therefore she will vote in favor of the motion.

Motion passed.

Assistant Mayor Grasso passed the gavel back to Mayor Sirrell.

Councilor Whitehouse said that the Association of Portsmouth Taxpayers asked for some figures on the costs of the new library at a previous meeting and asked City Manager Bohenko when those figures would be made available. City Manager Bohenko said he is preparing a report back to the City Council and that report would also be made available to the public if requested.

B. MAYOR SIRRELL

1. Reports

Mayor Sirrell said she had no reports to provide at this time.

C. COUNCILOR HYNES

1. Blue Ribbon African Burial Ground Committee Report

Councilor Hynes provided a brief report on the African Burial Ground Committee. He reported that several meetings have been held and the top three alternatives discussed were:

- Making Chestnut Street one-way and creating green space on the west side of Chestnut Street
- Making Chestnut Street a dead end and creating green space and a memorial at the Court Street end of Chestnut Street
- Making Chestnut Street a dead end and creating green space and a memorial at the State Street end of Chestnut Street

The Committee's recommendation mirrors the consensus of the area residents to make Chestnut Street one-way and create green space on the west side of Chestnut Street suitable for the placement of a memorial. It would reduce traffic flow, but not eliminate it and three parking spaces would be lost. The three parking spaces are under utilized and there is other parking in the area. He announced that the next meeting of the Committee would be held in January.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse announced that the Citizens Advisory Committee is holding a public hearing on Thursday, December 9th at 7:00 p.m. in Conference Room A to seek ideas for new Community Development Block Grant projects.

XIII. ADJOURNMENT

At 8:30 p.m., Councilor Pantelakos moved to adjourn. Seconded and voted.

