

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: WEDNESDAY, APRIL 4, 2007

PORTSMOUTH, NH
TIME: 7:00PM [or thereafter]

I. CALL TO ORDER

Mayor Marchand called the meeting to order at 7:05 p.m.

II. ROLL CALL

Present: Mayor Marchand, Assistant Mayor Ferrini, Councilors Grasso, Dwyer, Raynolds, Whitehouse, Smith and Hynes

Absent: Councilor Pantelakos

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATION

1. Mayor's Committee on Building Re-use – Lafayette School Listening Session – Heather Hurtt, Chair

Ms. Hurtt provided the City Council with a review of the Listening Session held regarding the Lafayette School by the Building Re-use Committee. Ms. Hurtt advised the City Council that the Lafayette School was built in 1915 as an elementary school and later used as a daycare facility and that the assessed value of the building at this time is \$1.3 million dollars. Ms. Hurtt spoke to the key information regarding the facility as follows:

- Building in a Municipal Zone
- Abuts a General Residential A (GRA) district
- 2.1 acres including adjacent park
- City intends to continue recreational uses
 - Playground is 1 of 9 in City
 - Ball field is 1 of 10 in City

Ms. Hurtt provided an overview of previous proposals for the reuse of the Lafayette School. She discussed renovation and code compliance issues for the interior and exterior. The following comments and observations were taken away from the listening session:

- Renovation estimates from 1.3 – 3 million
- No restrictions on use
- Concerns over parking and traffic patterns
- Concerns over encroachment on the park
- Finding an appropriate re-use – contingent on civil and welcoming process by neighborhood and city

The following is a listing of Re-use ideas:

- Multi-Unit Housing
- School or Educational Facility
- Childcare Facility
- Additional park space (ie: demolition)
- Workforce Housing – requires bundling property with other surplus city-owned properties to reach 30+ units to qualify for financing

Committee Recommendations:

- Ground Lease Property
 - City receives lease income on grounds and tax revenues on building (40-99 year lease)
 - Tenant handles maintenance and capital improvements
- Participate in Plan NH Design Charrette
- Put out a 60 day RFP for Ground Leasing
 - Work with city staff re: timing of RFP

Ms. Hurtt advised the City Council that the next Listening Session will be held on April 10th Re: the South Meeting Housing. The final Committee meeting will be held on April 20th and the final report to the City Council will be made on May 7, 2007.

City Manager Bohenko suggested that the City Council provide a consensus to put out the RFP and provide a report back to the City Council.

Assistant Mayor Ferrini moved to authorize the City Manager to put out a Request for Proposal in accordance with the recommendation of the Building Re-use Committee and provide a report back to the City Council relative to the findings. Seconded by Councilor Grasso.

Councilor Whitehouse said he would like to see the RFP extended an additional 30 days to allow for 90 days. City Manager Bohenko advised the City Council that 60 days is sufficient for the RFP.

Motion passed.

V. ACCEPTANCE OF MINUTES – MARCH 19, 2007

Councilor Whitehouse moved to approve and accept the minutes of the March 19, 2007 City Council meeting. Seconded by Councilor Smith and voted.

VI. PUBLIC COMMENT SESSION

Sarah Brown spoke in support of the request before the City Council this evening seeking permission to hold a rally in Market Square on Saturday, April 14, 2007 from 12:00 p.m. – 2:00 p.m. She advised the City Council that they wish to set up tables in order to provide information to the public regarding climate change. She also requested the use of small amplification for the event.

Councilor Smith moved to suspend the rules in order to take up Item XI. A. - Letter from Gary Epler, St. John's Stewardship of the Earth Committee, requesting permission to hold a rally in Market Square on Saturday, April 14, 2007 from 12:00 p.m. – 2:00 p.m. Seconded by Councilor Dwyer and voted.

XI. A. Letter from Gary Epler, St. John's Stewardship of the Earth Committee, requesting permission to hold a rally in Market Square on Saturday, April 14, 2007 from 12:00 p.m. – 2:00 p.m.

Councilor Whitehouse moved to approve the request and refer to the City Manager with power. Seconded by Councilor Raynolds.

Councilor Whitehouse expressed concern with the closing of the street. City Manager Bohenko advised the City Council that it is his intention to allow the closure from Porter Street to Market Square only. Councilor Whitehouse inquired as to whether items would be sold from the tables. City Manager Bohenko reported that no items will be sold from the tables; therefore no vendor permits are required.

Councilor Smith inquired on the use of police coverage for the event. City Manager Bohenko said that the Police Department will use the staff on duty that day, as the City is experienced in the closure of these streets.

Motion passed.

VII. PUBLIC HEARINGS

A. RE-USE OF DOBLE RESERVE CENTER. THE FEDERAL PROCESS RELATING TO THE CLOSURE OF THE CENTER WILL BE EXPLAINED, COMMENTARY WILL BE RECEIVED FROM THOSE ENTITIES WHICH HAVE EXPRESSED AN INTEREST IN RE-USE OF THE CENTER AND PUBLIC COMMENT WILL BE SOLICITED WITH REGARD TO THOSE MATTERS

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

City Manager Bohenko said the public hearing this evening will be to receive comments on the re-use of the Doble Reserve Center. He advised the City Council that once information has been gathered the staff will work on a proposal for final approval and another public hearing would be held in June.

Community Development Project Manager Moore provided a brief overview of the Doble Reserve Center. He reported that the Local Redevelopment Authority (LRA) is the City Council for the development of a re-use plan, including conducting a public outreach process to obtain input as to the future use of the property. He informed the City Council that the City must prepare a redevelopment plan by June 20, 2007. Mr. Moore spoke to the requirements under BRAC law, which a key issue requires outreach to homeless service providers and other agencies to see if they have a use for the property. He advised the City Council that it does not mean that the final re-use plan has to include a homeless component. He said the plan must balance in an appropriate manner a portion or all of the needs of the community for economic redevelopment and other development with the needs of the homeless in the community. Mr. Moore advised the City Council that HUD would approve the re-use plan. Community Development Project Manager Moore provided an overview of the property. He reported that the main building was used primarily for office and meeting space for the stationed unit. No military training has taken place on the property; maintenance of vehicles associated with the maintenance building is routine and small in scope, according to the Environmental Officer. Mr. Moore spoke to the zoning of the area which is General Residence A (3 sides) and General Business. The Reserve Center was built in 1958 with the main building being constructed on a concrete slab. There is an outbuilding, also built on a slab, with a two bay maintenance garage with heat. Both parcels sit on a 3.39 acre site.

Options for Reuse as follows:

- Cross Roads House – Homeless Proposal
- The Coming Home Collaborative – Homeless/Housing Proposal
- Portsmouth Housing Authority – Housing Proposal
- Disabled American Veterans Offices
- Municipal Reuse (Police Department)
- Non-Profit Administrative Offices
- Market-Rate/Competitive Sale Reuse

City Manager Bohenko said that the City Council would determine the use and the staff will put a plan together for the City Council to review. A public hearing will be held on the plan in June.

Councilor Dwyer said depending upon the reuse there may be costs associated rather than a free transfer. City Manager Bohenko said that is correct.

Councilor Raynolds asked how binding the decision for the plan is if another use comes forward. City Manager Bohenko said that we would have to go through the process again. He advised the City Council that we must get a place holder in place that is in the best interest of the city.

Assistant Mayor Ferrini said it is important that the plan is broad. City Manager Bohenko said the plan will have a broad focus.

Mark Ayotte, Portsmouth resident, said his property abuts the Doble Reserve Center and there are drainage issues related with the property. He advised the City Council that there are several ground wells around the building and the city should make inquiries regarding those. He spoke in support of the reuse of the building by the Disabled American Veterans Offices or the Police Department.

Ruth Griffin, Portsmouth Housing Authority, said that the Housing Authority has discussed the reuse of the Doble Reserve Center at great lengths and feels it would be the ideal place to expand to address the housing needs in the city.

Ted Connors, Portsmouth Housing Authority, said that the Housing Authority abuts the Doble Reserve Center and would like to create 30 additional two bedroom housing units to address the need for workforce housing. He reported on their management capabilities and said that design of the project would start in 2009. He advised the City Council that there are currently 400 people on the waiting list for housing in the city.

Don Grassi, Disabled American Veterans, expressed their desire to create a counseling center at the former Doble Reserve Center for veterans. He said that the center would assist veterans with their needs and there would be no need for construction to the site.

Alex McEachern, Portsmouth resident, said that the Doble Reserve Center would be ideal for Municipal use. He said that this would be a great site for the Police Department or used for recreational purposes. Mr. McEachern also said that the city could rezone the property for workforce housing, preferably owner occupied.

Chris Sterndale, Crossroads House Executive Director, spoke to relocating their shelter at the Doble Reserve Center. He advised the City Council that their current facility is struggling to keep up with the demands. Mr. Sterndale spoke to their second proposal to create permanent and translational housing. He asked the City Council to consider their re-use proposal.

Bryan Wyatt, Portsmouth Housing Partnership, said that this proposal was submitted by a partnership, which includes The Housing Partnership, Cross Roads House, United Way of the Greater Seacoast, and the Portsmouth YMCA. The proposal is for 25 housing units to be constructed with six units being set aside as transitional housing for families moving out of Cross Roads House. As part of the proposal, The Housing Partnership would construct the project and provide long-term management; United Way would provide advocacy and financial support during the implementation stages; the YMCA would establish a day care at the site; and Cross Roads House would identify appropriate families and provide case support for the transitional program. Mr. Wyatt advised the City Council that the building would be demolished and said that there would also be a childcare facility for no more than 10 children.

Karen Dorow, Portsmouth resident, urged the City Council to help them find good neighbors for the neighborhood. She expressed concern for the crime that is associated with shelters. She provided City Clerk Barnaby with copies of police reports for the last nine months in the Portsmouth Herald relative to Crossroads. She urged the City Council to consider keeping this institution out of their neighborhood. She said that they enjoy the safeness of their street and surely this would end, if the Crossroads Shelter were to move in.

Michael Magnant, Police Chief, said the Police Department is experiencing space needs at their current facility and are looking to the future needs of the department. Chief Magnant advised the City Council that the Doble Reserve Center allows for great possibilities and it would free up space at the Municipal Complex to address other needs.

Mark Mattson, Portsmouth resident, spoke opposed to the reuse of a shelter at the Doble Reserve Center site. He said he would support the reuse for Municipal purposes. Mr. Mattson said he does not feel that a shelter is compatible with the neighborhood and advised the City Council if the Portsmouth Housing Authority plan is accepted he would like the housing to be owner occupied.

Cheri Haley, Portsmouth resident, echoed the comments of her neighbors. She said that they are concerned with a homeless shelter coming to the neighborhood. She expressed concern with safety issue and said she would like to see the property used to benefit the city.

Adam Hegi, Portsmouth resident, spoke regarding the concerns associated with the homeless population. He said that Cottage Street is a residential neighborhood and that needs to be considered when creating a plan for the reuse of the Doble Reserve Center.

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

- B. ORDINANCE AMENDING CHAPTER 7, ARTICLE IX, SECTION 7.901 – PENALTIES, FORFEITURE AND SEPARABILITY – INCREASING FINES LISTED UNDER ITEM A AND F OF SECTION 7.901 – PENALTIES

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Marchand declared the public hearing closed.

- C. ORDINANCE AMENDING CHAPTER 7, ARTICLE IX, SECTION 7.901 – PENALTIES, FORFEITURE AND SEPARABILITY – INCREASING FINES LISTED UNDER ITEM A AND F OF SECTION 7.901 – PENALTIES

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Marchand declared the public hearing closed.

- D. ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7.330 – NO PARKING SUB-SECTION A BY THE ADDITION OF PEIRCE ISLAND ROAD: BOTH SIDES OF THE STREET FROM MOST EASTERLY ACCESS OF THE CITY POOL TO THE ACCESS/EGRESS OF THE SEWER TREATMENT PLANT

Mayor Marchand read the legal notice, declared the public hearing open and called for speakers. After three calls and no speakers, Mayor Marchand declared the public hearing closed.

VIII. APPROVAL OF GRANTS AND DONATIONS

There are no items under this section of the agenda which require action this evening

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 10, Article II, Section 10-208 – Uses in Business Districts – Table 4 and Chapter 10, Article II, Section 10-209 – Uses in Industrial Districts – Table 5 regarding the Regulation of Amusement Parks/Outdoor Recreation in the Industrial & General Business Districts Respectively

Councilor Grasso moved to pass first reading of the amended ordinance, as submitted, and hold a public hearing and second reading at the May 7, 2007 City Council meeting. Seconded by Assistant Mayor Ferrini and voted.

- B. Second reading of Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeiture and Separability - increasing fines listed under Item A and F of Section 7.901 - Penalties

Councilor Smith moved to pass second reading of the ordinance, as submitted, and hold third and final reading at the April 16, 2007 City Council meeting. Seconded by Councilor Hynes.

Councilor Whitehouse inquired about the increase in penalties. Parking Manager Frederick advised the City Council that the penalties are consistent with the NH RSA.

Motion passed.

- C. Second reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits sub-section B – Speed Limit 20 MPH by the addition of Peirce Island Road

Assistant Mayor Ferrini moved to pass second reading of the ordinance, as submitted, and hold third and final reading at the April 16, 2007 City Council meeting. Seconded by Councilor Grasso.

Councilor Whitehouse expressed concern regarding the operation of trucks on the street during snow removal. City Manager Bohenko said he does not believe it would effect the operation of snow removal.

Motion passed.

- D. Second reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking sub-section A by the addition of Peirce Island Road: both sides of the street from most easterly access of the City pool to the access/egress of the sewer treatment plant

Councilor Whitehouse moved to pass second reading of the ordinance, as submitted, and hold third and final reading at the April 16, 2007 City Council meeting. Seconded by Councilor Smith and voted.

- E. Third and final reading of Ordinance amending Chapter 10, Section 10-102 – Definition: Floor Area Ratio, Section 10-304 (A) Business – Table 10 Dimensional Requirements; and Section 10-304 by the addition of a New (E) and (F) for Central Business A District (CBA). This Ordinance proposes changes to certain dimensional requirements in Central Business A. Those changes include a 40 foot height limitation within 10 feet of a street right of way and the establishment of variable floor area ratios affecting maximum lot coverage requirements

Assistant Mayor Ferrini moved to pass third and final reading of the aforementioned ordinance amendment as presented. Seconded by Councilor Smith and voted.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Terri DeCarli, Muscular Dystrophy Association, requesting permission to hold the Trans NH Bike Ride on Sunday, June 24, 2007 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Michael Amarello and Michael St. Laurent, 3C Race Productions, requesting permission to hold a one-mile road race on Sunday, July 22, 2007 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Acceptance of Donation to the New Library Building Fund
- Jack E. and D. Dianne Chambers - \$250.00

(Anticipated action – move to approve and accept the donations to the New Library Building Fund as listed)

- D. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year
- Ambrosia Gardens – 1 A-frame sign
 - Chamber of Commerce – 1 A-frame sign
 - Dos Amigos Burritos – 1 Bench
 - Madd Matt's Ice Cream – 1 A-frame sign
 - Market Street Tub Shop – 1 A-frame sign
 - Portsmouth Brewery – 1 A-frame sign
 - Portsmouth Gas Light – 2 A-frame sign

(Anticipated action – move to refer to the City Manager with power)

Assistant Mayor Ferrini moved to adopt the Consent Agenda as presented. Seconded by Councilor Whitehouse and voted.

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- B. Letter from Glenn Brackett, International Brotherhood of Electrical Workers, requesting permission for their event that is taking place on May 19, 2007 at the Prescott Park Public Forum area

Assistant Mayor Ferrini moved to refer to the City Manager with power. Seconded by Councilor Grasso and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Public Hearing/Re-Use of Doble Reserve Center

City Manager Bohenko said he would recommend that the City Council authorize him to draft a reuse plan based on public comment and hold a public hearing at the June 4, 2007 City Council meeting. He advised the City Council that a draft plan would be prepared and provided to the City Council for discussion at a future meeting.

Councilor Whitehouse moved to authorize the City Manager to draft a re-use plan based on public comment and conduct a final public hearing on this matter at its June 4, 2007 City Council meeting. Seconded by Councilor Grasso.

Councilor Dwyer said that there still remains confusion in the public between low income, translational and workforce housing. She said that proposals were expressed for all of those things and comments crossing those purposes. She said she understands the concerns expressed but she does not necessarily feel those concerns apply to translational and workforce housing. City Manager Bohenko said we will try to make a clear distinction in the plan, and maybe as an example use income levels that would be utilized.

Motion passed.

2. Request for Review and Change of Duplicate Street Names

City Manager Bohenko said that Police Chief Magnant and Fire Chief LeClaire are requesting a review and change of duplicate street names. City Manager Bohenko said that in the chief's memorandum it outlines two incidents involving duplicate-sounding names, which has the potential to create liability complications as well as safety issues for the City during an emergency situation.

Councilor Grasso moved to refer the aforementioned memorandum to the Planning Board for a report back. Seconded by Assistant Mayor Ferrini.

Councilor Smith advised the City Council that this is the second time this has come through. He said when E911 was initiated this process was held and reported that there is a list of approve street names which was created by the Planning Board at that time.

Councilor Whitehouse said changing street names is not an easy matter to address.

City Manager Bohenko said that the number of streets to be considered has been reduced down.

Councilor Smith said during the first process the residents researched and located the first historic name of the street which made the process easier.

City Manager Bohenko spoke to the appointment of the new Revenue Administrator. He announced that Colleen Franzoso is retiring after 33 years with the City. City Manager Bohenko advised the City Council that Dawn Dudo will be taking over when Colleen retires and that she is working with Colleen for the next month prior to Colleen's retirement.

B. MAYOR MARCHAND

1. Appointment to be Considered:
 - John Leith – Portsmouth Housing Authority

The City Council considered the reappointment of John Leith to the Portsmouth Housing Authority. The City Council will vote on this appointment at the April 16, 2007 City Council meeting.

Mayor Marchand advised the City Council that John was originally appointed to the Portsmouth Housing Authority in 1992 and has served more than 10 years and in order to approve the appointment the City Council would need to suspend City Council Rule 47. He said by the creation of City Council Rule 47 it forces the City Council to think about the reappointments.

Councilor Grasso asked what the length of the appointment is. City Attorney Sullivan responded that the appointment is for a 5 year period. He also advised the City Council that this rule does not apply to the appointment of individuals on the Portsmouth Housing Authority.

Councilor Dwyer said if the rule had applied to this appointment she would have had difficulty voting on it. She suggested holding a work session with the Mayor's Blue Ribbon Committee on Board and Commission Appointment Process to discuss this matter.

Councilor Grasso suggested announcing that there are openings to boards and commissions one month prior to expiration of the term for individuals to apply for the vacancy.

Mayor Marchand said he could announce appointments that are coming up one month in advance.

2. *Election Finance Ordinance

Mayor Marchand said that this matter was brought forward in 2005 and he has received feedback from individuals and felt the issue should be brought back to the City Council. He advised the City Council that an ordinance would put us in line with other communities relative to election contributions. He said that the ordinance would address receipts and not expenditures with a minimum threshold. A report would need to be filed with the Office of the City Clerk prior to the election as well as a final report submitted approximately two weeks following the election. Mayor Marchand advised the City Council that an ordinance would be brought forward for consideration at the April 16, 2007 City Council meeting.

3. Establishment of Safe Routes to School Committee

Mayor Marchand announced that he would be requesting the establishment of a Safe Routes to School Committee. For your information, the National Center for Safe Routes to School describes the Safe Routes to School Programs as follows: "SRTS programs use a variety of education, engineering and enforcement strategies that help make routes safer for children to walk and bicycle to school and encouragement strategies to entice more children to walk and bike. They have grown popular in recent years in response to problems created by an expanding built environment, a growing reliance on motor vehicles for student transportation and with the more recent development of federal and state funding of SRTS programs."

He announced the Committee Members as follows:

- Councilor Ken Smith, Chair of the Traffic & Safety Committee
- Christina Westfall, Member of the Traffic & Safety Committee
- Jonathan Bailey, Member of the Traffic & Safety Committee
- Representative from the Police Commission (to be designated by the Police Commission)
- Representative from the School Board (to be designated by the School Board)
- Councilor Ned Reynolds (designated by Mayor Marchand)
- Councilor Chris Dwyer, Public Member (designated by Mayor Marchand)

- Representative from the Police Department (to be designated by the Police Chief) Ex-officio
- Superintendent of Schools or designee (to be designated by the Superintendent)
- Representative from the Public Works Department (to be designated by the City Manager) Ex-officio

Secretary to committee from the Public Works Department (to be designated by the City Manager)

Assistant Mayor Ferrini moved to approve the establishment of Safe Routes to School Committee as presented. Seconded by Councilor Smith and voted.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse requested that the letter from Peter Peirce Rice regarding the Peirce Trust be read.

Councilor Dwyer requested that the City Attorney provide a report back to the City Council in the next several months with a full picture of this matter with correct language relative to the Peirce Trust.

Councilor Dwyer asked about the Bedford Way matter. City Attorney Sullivan advised the City Council that the Bedford Way easement has been delayed at the request of the Portsmouth Housing Partnership and will come forward when they are ready to proceed.

XIV. ADJOURNMENT [AT 10:00PM OR EARLIER]

At 9:30 p.m., Councilor Grasso moved to adjourn. Seconded by Councilor Whitehouse and voted.



Kelli L. Barnaby, CMC
City Clerk