

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, JUNE 25, 2007 TIME: 6:00PM

- 6:00PM – WORK SESSION RE: MASTER PLAN UPDATE

## AGENDA

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE
  
- V. ACCEPTANCE OF MINUTES – JUNE 4, 2007
  
- VI. PUBLIC COMMENT SESSION
  
- VII. PUBLIC HEARINGS
  - A. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000.00) FOR FY08 STREET, SIDEWALK AND BRIDGE REPLACEMENT PROJECTS
  
  - B. RESOLUTION AUTHORIZING A BOND ISSUE OF UP TO FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR FY08 SCHOOL BUILDING IMPROVEMENTS
  
- VIII. APPROVAL OF GRANTS AND DONATIONS
  - A. Acceptance of Portsmouth Garden Club Grant to the Mayor's Blue Ribbon Cemetery Committee in the amount of \$500.00
  
  - B. Acceptance of Portsmouth Garden Club Grant for the plantings and improvements on the Islington Street Tank/Powder House site in the amount of \$500.00
  
  - C. Acceptance of State of New Hampshire Department of Justice Grant for "Enforcing Underage Drinking Laws" to the Portsmouth Police Department in the amount of \$7,500.00
  
  - D. Acceptance of Donations to the PAL Girls Summer Basketball League
    - Bunker Electric, LLC - \$400.00
    - Portsmouth Police Patrolmans' Union - \$250.00
    - A.R. Moulton - \$150.00
  
  - E. Acceptance of Donation to the Portsmouth Police Honor Guard from Piscataqua Savings Bank in the amount of \$100.00

## IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Adoption of Resolution Authorizing a Bond Issue of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for FY08 Street, Sidewalk and Bridge Replacement Projects ***(Please note: A two-thirds vote is required for passage)***
- B. Adoption of Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY08 School Building Improvements ***(Please note: A two-thirds vote is required for passage)***
- C. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Fleet Street: Westerly side from Congress Street to a point 135 feet in the northerly direction

## X. CONSENT AGENDA

### ***A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA***

- A. Letter from George Barnard, Rotary Club of Portsmouth, requesting permission to hold the 15<sup>th</sup> annual Thunder Chicken Road Race and Kid's Fun Run on Thursday, August 2, 2007 ***(Anticipated action – move to refer to the City Manager with power)***
- B. Acceptance of anonymous donation to the New Library Building Fund in the amount of \$50.00 ***(Anticipated action – move to approve and accept the donation to the New Library Building Fund, as listed)***
- C. Letter from Cynthia Yates, Alzheimer's Association, requesting permission to hold the annual Memory Walk at the Pease Tradeport on Saturday, September 15, 2007 ***(Anticipated action – move to refer to the City Manager with power)***

## XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Tom Holbrook, ArtSpace Series, requesting permission to use the following public areas for a series of concerts on City Property
  - Vaughan Mall: Friday nights in July and August from 7:00 p.m. to 9:00 p.m. (July 6, 13, 20, 27 and August 3, 10, 17, 24)
  - Rock Street Park: Sunday, July 22<sup>nd</sup> at 6:00 p.m.
  - Haven Park: Sunday, August 12<sup>th</sup> at 6:00 p.m.
- B. Letter from Kenneth Murphy requesting that the City Council vote to release any possible dedication and issue a quitclaim deed to the easterly one half portion of Van Buren Avenue (approximately 25 feet)
- C. Letter from Walter Allen and residents of Sagamore Grove Road regarding paving of road

- D. Letter from Nicole Gregg, New Hampshire Film Festival, requesting permission to use the Connie Bean Center for the NH Film Festival on October 11, 2007 – October 14, 2007, further requesting permission to use the Portsmouth Public Library Screening room as a new venue to this year's festival
- E. Letter from Ruth Nugent, requesting the City Council consider establishing night restrictions on street vendors

## **XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

### **A. CITY MANAGER**

#### **Items which require Action under other sections of the Agenda**

- 1. Public Hearing/Adoption of Proposed Resolution:
  - 1.1 Public Hearing/Adoption of Resolution Authorizing a Bond Issue of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for FY08 Street, Sidewalk and Bridge Replacement Projects (**Action on this matter should take place under Section IX of the Agenda**)
  - 1.2 Public Hearing/Adoption of Resolution Authorizing a Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for FY08 School Building Improvements (**Action on this matter should take place under Section IX of the Agenda**)
- 2. Third and Final Reading of Proposed Ordinance Amendments:
  - 2.1 Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Fleet Street: Westerly side from Congress Street to a point 135 feet in the northerly direction (**Action on this matter should take place under Section IX of the Agenda**)

#### **City Manager's Items Which Require Action**

- 1. Fire Station 2 Bonding Request

#### **Informational Items**

- 1. Response to Public Comment from June 4<sup>th</sup> Meeting Re: Motorcycle Noise
- 2. Bedford Way Easement
- 3. Invitation to Atlantic Heights Neighborhood New Sign Unveiling
- 4. Conceptual Plan Options for African Burial Ground

### **B. MAYOR MARCHAND**

- 1. \*Reports

**C. COUNCILOR RAYNOLDS**

1. Resource for our City's decision on the Middle School

**D. COUNCILOR PANTELAKOS**

1. Peirce Estate Restriction
2. Planned Unit Development Type Use within an Office Research Zoning District

**E. COUNCILOR WHITEHOUSE**

1. \*Dogs/Peirce Island/Leash

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

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

**KELLI L. BARNABY, CMC  
CITY CLERK**

(\*Indicates verbal report)

**INFORMATIONAL ITEMS**

1. Historic District Commission minutes of the April 25, 2007 and May 2, 2007 meetings
2. Conservation Commission minutes of the May 9, 2007 meeting

**NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED:** Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.

**CITY OF PORTSMOUTH  
PORTSMOUTH, NH 03801**

**Office of the City Manager**

**Date:** June 21, 2007

**To:** Honorable Mayor Steve Marchand and City Council Members

**From:** John P. Bohenko, City Manager

**Re:** City Manager's Comments on June 25, 2007 City Council Agenda

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**6:00 p.m. – Work Session:**

1. **Master Plan Update.** Planning Board members have been invited to attend the City Council's 6:00 p.m. to 7:00 p.m. work session in the Eileen Dondero Foley Council Chambers regarding an update on the implementation of the Master Plan. Following an introduction by Chairman John Ricci, City staff and Rick Taintor will make a powerpoint presentation on what regulatory and non-regulatory Master Plan strategies have been accomplished to date. Discussion will follow the presentation.

***Acceptance of Grants/Donations:***

1. **Acceptance of Portsmouth Garden Club to the Mayor's Blue Ribbon Cemetery Committee.** The Mayor's Blue Ribbon Cemetery Committee applied for and was awarded a grant in the amount of \$500.00 from the Portsmouth Garden Club for projects that will beautify the City's historic burial grounds and promote them as public places of interest. Attached is a copy of the check as well as a copy of the grant request.

*I would recommend the City Council move to approve and accept the grant from the Portsmouth Garden Club, as listed. Action on this item will take place under Section VIII of the agenda.*

2. **Acceptance of Portsmouth Garden Club Grant for the plantings and improvements on the Islington Street Tank/Powder House site.** In conjunction with the recent removal of the Islington Street Water Tank and the restoration work being done on the Powder House on the same site, the Public Works Department applied for and received a \$500.00 grant from the Portsmouth Garden Club.

This grant money will go towards the purchase of and installation of plantings that will be used in developing the former water tank site into an attractive park area. In addition

to the plantings, the site will include sitting areas created using the granite foundation stones that were excavated from the tank base.

A formal presentation of the grant award took place at the Urban Forestry Center on Friday, June 15, 2007.

*I would recommend the City Council move to approve and accept the grant from the Portsmouth Garden Club, as listed. Action on this item will take place under Section VIII of the agenda.*

3. **Acceptance of Police Department Grant and Donations.** Attached under Section VIII of the Agenda is a memorandum from John D. Kelley, Chairman of the Portsmouth Police Commissioners, and Michael J. Magnant, Police Chief, requesting that the City Council approve the following grant and donations:

1. An “Enforcing Underage Drinking Laws” grant award in the amount of \$7,500 from the State of New Hampshire Department of Justice.
2. Donations as follows in support of the PAL Girls Summer Basketball League:
  - a. \$400.00 from Bunker Electric, LLC
  - b. \$250.00 from Portsmouth Police Patrolmans’ Union
  - c. \$150.00 from A. R. Moulton
3. Donation as follows in support of the Portsmouth Police Honor Guard:
  - a. \$100.00 from Piscataqua Savings Bank

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-35 for City Council approval and acceptance.

*I would recommend that the City Council approve and accept the grant and donations to the Portsmouth Police Department, as listed. Action on this matter should take place under Section VIII of the Agenda.*

### ***Items Which Require Action Under Other Sections of the Agenda:***

1. **Public Hearing/Adoption:**
  - 1.1 **Public Hearing/Adoption on Bonding Resolution Authorizing Bond Issue of up to Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for Street, Sidewalk and Bridge Replacement Projects for FY08.** As a result of the action at the June 4th City Council meeting, under Section VII of the agenda, I am bringing back for public hearing and adoption the bonding resolution authorizing a bond issue of up to two million five hundred thousand dollars (\$2,500,000.00) for street, sidewalk and bridge replacement projects for FY08.

As part of the Capital Improvement Plan for FY 2008 – FY 2013, the Public Works Department included various city improvement projects that require bonding. These projects are as follows:

- 1) Market Street Sidewalk Expansion/Improvements \$350,000.00  
This project will fund the replacement of existing concrete sidewalks with brick, installation of period lighting, resetting of granite curbing and the installation of landscaping (trees) where appropriate. The sidewalk width will increase to accommodate the pedestrian volumes in this area. These improvements will be on Market Street from Market Square to the intersection with Hanover Street and Bow Street.
  
- 2) NH33/B&M RR Bridge Replacement \$800,000.00  
This project includes engineering and construction to replace the Rt 33 bridge over the B&M rail lines. Included is the reconstruction of the roadway approaches on Rt 33 from Griffin Road to Peverly Hill Road. The estimate for this project is \$8,000,000 with the City share at 10% and the Federal/State share at 90%.
  
- 3) Scott Avenue Bridge Replacement \$350,000.00  
This project provides funding to replace the Scott Avenue Bridge in conjunction with the rehabilitation of the Memorial Bridge. The current 5-span bridge will be replaced with a 2-span structure that will open up the area under the bridge to the waterfront providing the City additional opportunities for access. Current estimate of cost is \$1,750,000 with the City share at 20% and the Federal/State share at 80%.
  
- 4) Woodbury Avenue Traffic Calming Improvements \$1,000,000.00  
The primary purpose of this project is to reduce travel speeds, improve pedestrian safety and eliminate through truck travel in the Woodbury Avenue Corridor between Bartlett Street and the Market Street Extension. Work will include traffic calming methods (reduced width travel lanes and bump-outs), curbing, signage, pavement markings, pedestrian safety amenities and sidewalk replacement as needed.

As you are aware, bonding resolutions require only two readings and a two-thirds vote is required of the City Council for passage.

*I would recommend the City Council move to adopt the bonding resolution authorizing bonding in the amount of two million five hundred thousand dollars (\$2,500,000.00) for street, sidewalk and bridge replacement projects. Action on this item should take place under Section IX of the agenda.*

1.2 **Public Hearing/Adoption on Bonding Resolution Authorizing Bond Issue of up to Five Hundred Thousand Dollars (\$500,000.00) for School Building Improvements.** As a result of the action at the June 4th City Council meeting, under Section VII of the agenda, I am bringing back for public hearing and adoption the bonding resolution authorizing a bond issue of up to five hundred thousand dollars (\$500,000.00) for FY08 School Building Improvements. Attached is a memorandum from Stephen T. Bartlett, Business Administrator, outlining the following improvements:

- 1) \$74,500.00 for the PHS Athletic Complex drainage, irrigation and press box projects.
- 2) \$275,000.00 for roof replacement and repair projects at Dondero Elementary and Portsmouth Middle School.
- 3) \$150,500.00 for window and door replacement projects at Little Harbour Elementary, New Franklin Elementary, Portsmouth Middle School and the Sherburne School.

*I would recommend the City Council move to adopt the bonding resolution authorizing bonding in the amount of five hundred thousand dollars (\$500,000.00) for school building improvements. Action on this item should take place under Section IX of the agenda.*

2. **Third and Final Reading of Proposed Ordinance Amendments:**

2.1 **Third and Final Reading of Ordinance Amending Chapter 7, Article III, Section 7.330 – No Parking – Fleet Street: Westerly side from Congress Street to a point 135 feet in the northerly direction.** As a result of the June 4th City Council meeting, under Section IX of the agenda, I am bringing back for third and final reading the attached proposed ordinance amending Chapter 7, Article III, Section 7.300 – No Parking – Fleet Street: Westerly side from Congress Street to a point 137 feet in a northerly direction.

*I would recommend the City Council move to pass third and final reading, as submitted. Action on this item should take place under Section IX of the Agenda.*

**Consent Agenda:**

1. **Acceptance of Donation to the New Library Building Fund.** The Portsmouth Public Library Campaign Committee has received an anonymous donation in the amount of \$50.00 to the New Library Building Fund.

*I would recommend that the City Council approve and accept the donation to the New Library Building Fund, as listed. Action on this matter should take place under Section X of the Agenda.*



## ***City Manager's Items Which Require Action:***

1. **Fire Station 2 Bonding Request.** Attached is a memorandum from Paul Wentworth, Chairman of the Fire Commission, requesting that Station 2 bonding resolution be brought forward to the City Council at the July 16, 2007 City Council agenda. If approved, the public hearing will be on August 6<sup>th</sup> and at that time I would ask that the Fire Commission along with representatives from the Fire Station Building Committee and the architect be in attendance to discuss this proposal. As pursuant to the Capital Improvement Plan (CIP) adopted by the City Council, the amount requested for the bonding resolution is \$3,650,000. See attached CIP element sheet as well as the Fire Station Building Program Report. *I would ask that the City Council authorize the City Manager to draft a bonding resolution for first reading in the amount of \$3,650,000 for the July 16<sup>th</sup> City Council meeting.*

## ***Informational Items:***

1. **Response to Public Comment from June 4th Meeting Re: Motorcycle Noise.** Attached is a copy of a memorandum from City Attorney Robert Sullivan responding to the public comment from the June 4, 2007 City Council meeting regarding motorcycle noise. I will send a copy of this memorandum to the individual who spoke during public comment.
2. **Bedford Way Easement.** As you will recall, Councilor Chris Dwyer requested that on June 25<sup>th</sup> the City Council take up the issue of the access easement for The Housing Partnership on Bedford Way. This past week, I was able to be in contact with representatives from The Housing Partnership and the Housing Authority who indicated that they will be meeting to work out an agreement between the two of them regarding this easement sometime in July. I contacted Councilor Dwyer regarding this information and suggested that this matter not be acted on at the June 25<sup>th</sup> City Council meeting, but rather that we wait and receive the outcome of the meeting between The Housing Partnership and the Housing Authority pertaining to this easement. She has concurred and, therefore, it does not appear on the agenda under her name. However, she has indicated that if an agreement is not reached in July, she will again bring the request forward to be acted upon at the first Council meeting in August. Under the circumstances, she feels that one more month is appropriate but no longer--given that the Council has waited for approximately half a year for the Housing Authority to participate in a resolution.
3. **Invitation to Atlantic Heights Neighborhood New Sign Unveiling.** For your information, enclosed is an invitation to the Atlantic Heights new neighborhood sign unveiling and celebration of their listing in the National Historic Registry on Tuesday, June 26<sup>th</sup> at 5:30 p.m., Hanscom Park.

4. **Conceptual Plan Options for African Burial Ground.** Please find attached for your information the five conceptual plan alternatives developed by Woodburn & Company for the African Burial Ground memorial and commemorative park. These plans were developed following public input received at the May 5<sup>th</sup> public forum and were presented at a second public forum on June 19<sup>th</sup>. The African Burial Ground Committee will be hold a meeting on June 27<sup>th</sup> at 4:30 p.m. in Conference Room A to discuss the public input received as well as their thoughts on the plans. Once the Committee comes to agreement on the conceptual plan they prefer -- which may be a hybrid of the various conceptual plans -- they will be making a recommendation to the City Council.