

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 18, 2002

PORTSMOUTH, NH  
TIME: 7:00PM

### **I. CALL TO ORDER**

Mayor Sirrell called the meeting to order at 7:00 p.m.

### **II. ROLL CALL**

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

Absent: None

### **III. INVOCATION**

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

### **IV. PLEDGE OF ALLEGIANCE**

The students participating in Student Government Day led in the Pledge of Allegiance to the Flag.

## **INTRODUCTION OF STUDENTS PARTICIPATING IN STUDENT GOVERNMENT DAY, MARCH 21, 2002**

COLBY GAMESTER	MAYOR SIRRELL	JOEL BOCKO	COUNCILOR PANTELAKOS
DANIELE CYR	CITY CLERK	LAURIE GAULIN	COUNCILOR WHITEHOUSE
SARAH SANGER	ASST. MAYOR HANSON	CHELSEA THOMAS	COUNCILOR MARCONI
ERICA SUGARMAN	COUNCILOR GRASSO	JARED PEASE	COUNCILOR ST. LAURENT
SEAN WILTON	COUNCILOR LOWN	MEG KENNEDY	CITY MANAGER
KYLE BELMONT	COUNCILOR HYNES	CONALL LOUGHLIN	CITY ATTORNEY

The students participating in Student Government Day on March 21, 2002 were introduced by their counterparts.

### **PROCLAMATION**

1. Clotilde Straus – Retired City Arborist

Mayor Sirrell presented a Proclamation recognizing Mrs. Straus for her many years of service to the City of Portsmouth as the City Arborist.

Mayor Sirrell also read a letter from the Newington Conservation Commission expressing their sincere thanks for all of the services Mrs. Straus provided to the Town of Newington over the years.

Mrs. Straus thanked Mayor Sirrell and the City Council for recognizing her in this manner.

## **V. ACCEPTANCE OF MINUTES – MARCH 4, 2002**

Assistant Mayor Hanson moved to accept and approve the City Council minutes of the March 4, 2002 meeting. Seconded by Councilor Grasso and voted.

## **VI. PUBLIC COMMENT SESSION**

Charles Vaughn, Portsmouth resident, spoke regarding the work session held by the City Council with the Trustees of the Trust Fund. He expressed the need for separation of functions because the same company handles the consulting and broker functions. He also spoke against the principal being used for operating expenses.

Blair McCracken, Portsmouth resident, spoke against the relocation of the Farmers' Market to the Municipal Complex. He said that the Parrott Avenue location is more accessible and what people are familiar with.

Peter Bresciano, Portsmouth resident, thanked the City Council and legislators for putting forward legislation to have the statewide property tax abolished.

## **VII. PUBLIC HEARINGS**

### **A. ORDINANCE AMENDING CHAPTER 8, ARTICLE II, SECTION 8.206 – BEHAVIOR (IN CITY PARKS)**

Mayor Sirrell read the legal notice, declared the Public Hearing open and called for speakers.

City Attorney Sullivan said that this ordinance amends the violation procedures.

Ed Lawrence, Portsmouth resident, spoke opposed to the ordinance.

After three calls and no further speakers, Mayor Sirrell declared the Public Hearing closed.

### **B. ORDINANCE AMENDING CHAPTER 10 REGARDING IMPACT FEES**

Mayor Sirrell read the legal notice, declared the Public Hearing open and called for speakers.

City Manager Bohenko requested Planning Director Holden to provide a brief presentation on this ordinance.

Planning Director Holden provided a brief presentation and informed the City Council that this amendment is being proposed to comply with the findings in a recent lawsuit in another municipality.

Ed Lawrence, Portsmouth resident, spoke opposed to the ordinance.

After three calls and no further speakers, Mayor Sirrell declared the Public Hearing closed.

C. ORDINANCE AMENDING CHAPTER 7, ARTICLE XI, SECTION 7.1100 – SPEED LIMITS, SUB-SECTION E – SPEED LIMIT 25 MPH PORTSMOUTH BOULEVARD AND OSPREY DRIVE

Mayor Sirrell read the legal notice declared the Public Hearing open and called for speakers.

Assistant Mayor Hanson said that this is a new development and since a speed limit is not posted it would automatically be posted at 30 mph but the Parking Committee is recommending 25 mph.

Ed Lawrence, Portsmouth resident, spoke in favor of the ordinance and the need for enforcement of speed limits by the Police Department.

After three calls and no further speakers, Mayor Sirrell declared the Public Hearing closed.

**VIII. APPROVAL OF GRANTS/DONATIONS**

1. Approval of NH Department of Environmental Services Watershed Restoration Grant for Peirce Island

Councilor Whitehouse moved to authorize the City Manager to accept and expend a Watershed Restoration Grant in the amount of \$7,200 from the NH Department of Environmental Services in support of engineering, design, and permitting work to stabilize 1,100 feet of Peirce Island's northerly shoreline. Seconded by Councilor Marconi and voted.

2. Acceptance of Donation of \$2,500 from the Parrott Avenue Center for Seniors

Assistant Mayor Hanson moved to accept the \$2,500 donation from the Parrott Avenue Center for Seniors. Seconded by Councilor Pantelakos and voted.

**IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First reading of Ordinance amending Chapter 8, Article III, Section 8.302 – City Arborist

Councilor Pantelakos moved to pass first reading and hold a Public Hearing and second reading at the April 1<sup>st</sup> City Council meeting. Seconded by Councilor Whitehouse and voted.

- B. First reading of Ordinance amending Chapter 5, Article VIII, Sections 5.801-5.810 – Alarm Systems Monitored by the City

Assistant Mayor Hanson moved to pass first reading and hold a Public Hearing and second reading at the April 1<sup>st</sup> City Council meeting. Seconded by Councilor Grasso and voted.

- C. Second reading of Ordinance amending Chapter 8, Article II, Section 8.206 – Behavior (in City Parks)

Councilor Pantelakos moved to pass second reading and hold third and final reading at the April 1<sup>st</sup> City Council meeting. Seconded by Councilor Marconi.

Councilor Grasso moved to amend the ordinance to apply the fine schedule listed under Item J to Item A. Seconded by Councilor Pantelakos.

Councilor Lown spoke opposed to the ordinance because there is no method for a written warning before a fine is imposed.

On a roll call vote 8-1, motion to amend the ordinance passed. Assistant Mayor Hanson, Councilors Grasso, Hynes, Pantelakos, Whitehouse, Marconi, St. Laurent and Mayor Sirrell voted in favor. Councilor Lown voted opposed.

Councilor Pantelakos moved to pass main motion as amended. Seconded by Councilor Marconi and voted. Councilor Lown voted opposed.

D. Second reading of Ordinance amending Chapter 10 regarding Impact Fees

Councilor Grasso moved to pass second reading and hold third and final reading at the April 1<sup>st</sup> City Council meeting. Seconded by Councilor Pantelakos and voted.

E. Second reading of Ordinance amending Chapter 7, Article XI, Section 7.1100 – Speed Limits, Sub-Section E – Speed Limit 25 MPH Portsmouth Boulevard and Osprey Drive

Assistant Mayor Hanson moved to pass second reading and hold third and final reading at the April 1<sup>st</sup> City Council meeting. Seconded by Councilor Grasso.

F. Third and final reading of Ordinance amending Chapter 7, Article XI, Section 7.1100- Speed Limits, Sub-Section B – Speed Limit: 20MPH – Odiorne Point Road and Gosport Road

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

G. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No parking – Sub-Section A – Elm Court: on the westerly side of Elm Court

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

H. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking, Sub-Section A – Austin Street (Northerly side of Austin Street between Union Street and Madison Street) and Mirona Road (Both sides from Lafayette Road westerly a distance of 525 feet)

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

- I. Third and final reading of Ordinance amending Chapter 7, Article III, Section 7.330 – No Parking – Sub-Section B – No Parking – School Zones – Austin Street

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

- J. Third and final reading of Ordinance amending Chapter 1 by the addition of a New Article XVI – Adoption of Fees by Budget Resolution

Councilor Grasso moved to pass third and final reading. Seconded by Councilor Pantelakos and voted.

- K. Third and final reading of Ordinance amending Chapter 7, Article II – Taxicabs – Section 7.211 C, License Required

Councilor Whitehouse moved to pass third and final reading. Seconded by Councilor Grasso and voted.

#### **X. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS**

- A. Letter from Connie Stumm, Greater Portsmouth Chamber of Commerce requesting permission to hold the 7<sup>th</sup> Annual Portsmouth Harbour Trail 5k Road Race on Saturday, July 13, 2002

Councilor Pantelakos moved to refer to the City Manager with power.

- B. Letter from Christine Groleau, The Children’s Museum of Portsmouth requesting permission to hold the Annual 5k Road Race on Saturday, May 4, 2002

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

- C. Request for Renewal of Sidewalk Obstruction License with no changes from last year – Stonewall Kitchen – 1 A-frame sign

Councilor Pantelakos moved to approve the renewal of the Sidewalk Obstruction License for Stonewall Kitchen. Seconded by Councilor Marconi and voted.

- D.1. Request for Approval of Sidewalk Obstruction License - Porto Bello Ristorante Italiano – 1 A-frame sign

Councilor Pantelakos moved to approve the Sidewalk Obstruction License for Porto Bello Ristorante Italiano. Seconded by Councilor Whitehouse and voted.

D.2. Request for Approval of Sidewalk Obstruction License – Neptune’s 1-A frame sign

Councilor Grasso moved to approve the Sidewalk Obstruction License for Neptune’s. Seconded by Councilor Pantelakos and voted.

D.3. Request for Approval of Sidewalk Obstruction License – Café Mediterraneo 1-A frame sign

Councilor Pantelakos moved to approve the Sidewalk Obstruction License for Café Mediterraneo. Seconded by Councilor St. Laurent and voted.

E. Request to Redesignate a Paper Street Known as Franklin Avenue as a Private Way Named Franklin Lane

Assistant Mayor Hanson moved to refer to the Planning Board for a report back on the proposal outlined in the letter dated March 7, 2002 from Natalie and Peter Webster. Seconded by Councilor Marconi.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell spoke opposed to giving up the rights to any paper streets in the City. She said all streets are important and should remain under the control of the City.

Motion passed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

F. Letter from Norman Charron requesting that veterans use the boat launch at Portsmouth at no charge

Councilor Whitehouse moved to deny the request and place the communication on file. Seconded by Councilor Marconi and voted.

**XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS**

**A. CITY MANAGER**

1. Request for Approval of the Relocation of the Farmers’ Market to the Municipal Complex Parking Lot

City Manager Bohenko said that he has been working on the issue over the last two years. He informed the City Council that the Farmers’ Market would be relocated to the Municipal Complex at the end of June. He advised the Council if problems arise at the new location the market could be moved back to its previous location.

Assistant Mayor Hanson moved to authorize the City Manager to execute the proposed Agreement between the Seacoast Growers' Association and the City of Portsmouth for the relocation of the Farmers' Market to the Municipal Complex at the end of June 2002. Seconded by Councilor St. Laurent.

Councilor Whitehouse spoke opposed to the relocation of the Farmers' Market. He expressed concerns with the renovations of the 1895 building for elderly housing and the effect that would have on the Farmers' Market.

Councilor Marconi spoke in support of the relocation of the Farmers' Market.

Councilor Lown said that the Farmers' Market is in support of the relocation of the market, therefore we should move forward with the agreement.

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell spoke in favor of the relocation of the Farmers' Market to the Municipal Complex.

Motion passed with Councilor Whitehouse voting opposed.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

2. Request for Approval of Proposed Agreement with the African-American Cultural Center Association

City Manager Bohenko said that this agreement was discussed at the last City Council meeting and recommended its approval.

Councilor Pantelakos moved to authorize the City Manager to execute the proposed Agreement between the African-American Cultural Center and the City of Portsmouth to use a room at the Connie Bean Center for a one-year period. Seconded by Councilor Marconi and voted.

3. Request for Approval of Land and Water Conservation Fund Grant Application for Peirce Island

City Manager Bohenko said that this would allow us to apply for a grant for improvements to Peirce Island.

Councilor Whitehouse moved to authorize the City Manager to apply for, accept and expend a grant from the Land and Water Conservation Fund Program for improvements to Peirce Island. Seconded by Councilor Marconi and voted.

4. Report Back Re: Moebus Terrace Paper Street

City Manager Bohenko explained that Mr. Little would like to build a house on his property; however, he would need to cross the paper street in order to construct his driveway. There is presently a fence in the Paper Street by the abutters Andreas Meyer and Renee LeVerrier. He said that this agreement would allow the fence and Mr. Little to pass over the paper street, however the fence would need to be moved for the driveway to be constructed. He informed the City Council that the City would retain ownership of the Paper Street.

Councilor St. Laurent moved to authorize the City Manager to enter into a license agreement with Stephen J. Little of 82 Driftwood Lane, and Andreas Meyer and Renee LeVerrier of 4 Salter Point Cove, as drafted by the City Attorney's office. Seconded by Councilor Lown.

Councilor Marconi said that she wants the Paper Street to remain under the ownership of the City now and down the road.

Motion passed.

5. Report Back Re: Proposed to Rezone Land on Deer Street

City Manager Bohenko said that the Planning Board is recommending an amendment to the zoning map for the rezoning of this land on Deer Street.

Assistant Mayor Hanson moved to authorize the City Manager to bring back for first reading the proposed amendment to the Zoning Map as recommended by the Planning Board. Seconded by Councilor Grasso and voted.

6. Request to Establish a Public Hearing Regarding a Supplemental Appropriation for the Fire Department

City Manager Bohenko said that a work session was held in December of 2001 with the Fire Department to discuss their budget short fall. He said that a supplemental appropriation is needed to fund their shortfall and allow for the continuation of the 14 men shift.

Councilor Grasso moved to establish a Public Hearing at the April 1<sup>st</sup> City Council meeting regarding a supplemental appropriation for the Fire Department. Seconded by Councilor Pantelakos and voted.

City Manager Bohenko reminded the residents of the spring clean-up being held the week of April 22<sup>nd</sup> – 26<sup>th</sup>.

**B. MAYOR SIRRELL**

1. Acceptance of Donation to the Library Fund (Not on Agenda)

Mayor Sirrell passed her gavel to Assistant Mayor Hanson.

Mayor Sirrell moved to accept a \$500 donation from Adolph and Nancy Berounsky for the Library Fund. Seconded by Councilor Grasso and voted.

Assistant Mayor Hanson passed the gavel back to Mayor Sirrell.

2. Appointment

The City Council considered the appointment of John Gregg to the Cable Commission. This appointment will be voted on by the City Council at the April 1<sup>st</sup> City Council meeting.

City Manager Bohenko advised the residents that the Cable Commission would be scheduling a Public Hearing regarding the renewal of the Franchise Agreement

Assistant Mayor Hanson moved to appoint Laura Montville to the Portsmouth Economic Development Loan Program (PEDLP) Board until March 18, 2005. Seconded by Councilor Pantelakos and voted. Ms. Montville replaced Janet Prince.

**XII. MISCELLANEOUS/UNFINISHED BUSINESS**

City Manager Bohenko reminded the City Council of their work session on Monday, March 25<sup>th</sup> at 6:30 p.m. regarding the Capital Improvement Plan Budget.

**XIII. ADJOURNMENT**

At 8:55 p.m., Assistant Mayor Hanson moved to adjourn. Seconded and voted.

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KELLI L. BARNABY, CITY CLERK