

## **CITY COUNCIL MEETING**

MUNICIPAL COMPLEX  
DATE: MONDAY, APRIL 4, 2011

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

At 6:00 p.m. an Anticipated "Non-Meeting" with Counsel was held regarding Litigation – RSA-91-A:2, I (c).

### **I. CALL TO ORDER [7:00PM or thereafter]**

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

### **II. ROLL CALL**

Present: Mayor Ferrini, Assistant Mayor Novelline Clayburgh, Councilors Lister, Hejtmanek, Spear, Dwyer, Coviello, Kennedy (arrived at 7:55) and Smith.

### **III. INVOCATION**

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

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

Councilor Coviello led the Pledge of Allegiance.

### **V. ACCEPTANCE OF MINUTES – MARCH 21, 2011**

**Councilor Smith moved to accept the Minutes of the March 21, 2011 City Council meeting. Seconded by Councilor Lister and voted.**

### **VI. PUBLIC COMMENT SESSION**

**Mayor Ferrini opened the Public Comment Session:**

Richard Smith – spoke regarding the proposed parking changes stating that increasing the parking meters downtown will devalue the area as will metering on Sundays. He stated that this is sacrilegious to charge people who work, visit and attend church on Sundays. He suggested a gated lot for taxpayers and workers that would be issued monthly, first to residents and secondly to workers. He concluded by asking the Council to keep the residents in mind when making these decisions.

Laura Pantelakos - spoke regarding metering the Parrott Avenue Lot stating that the Council needs to look at who parks there as it is the workers and residents of that area that cannot afford to pay to park there daily.

Ralph DiBernardo – spoke regarding parking stating that in a community that struggled for years to implement workforce housing, it is inconceivable to eliminate the workforce parking which affects restaurant workers, bank tellers, etc and would equal a 10% cut in pay. He also stated that he is against any Sunday parking fees and wonders how different fees in different areas is going to work i.e. color coding.

Donald Coker – stated he is speaking regarding parking with 2 different hats on; first as the President of the McIntosh Condo Association with 41 residential and 5 Commercial units which are all strongly opposed to the metering of Parrott Avenue Lot, Parrott Avenue as well as the Sunday metering stating that it is already difficult for people to have to pay until 7:00 p.m. every night. Next, speaking individually, he wonders how much is enough to extract from the taxpayers of Portsmouth and people who live and work downtown cannot afford the almost \$1,000.00 a year this would cost to park. He concluded that the downtown residents are taxpayers just like any other neighborhood and they all get free parking and stated enough is enough.

Mary Lou McElwain – stated she agrees with what everyone has said and remembers about a year ago when this was discussed and the impassioned plea from the downtown workers about the Parrott Avenue Lot and wonders if the Council was listening. She stated at this time in the economy when gas prices, food prices, etc. are all going up, people cannot afford another increase. She stated that the Parrott Avenue Lot should be the same as the lots in Exeter and Newburyport which are public and welcoming to visitors of those cities.

Karen McCormack – stated she has worked in downtown Portsmouth and knows the waiters, shop workers, etc. do not make a lot of money and it won't be worth them working if they have to pay for parking during a shift. She stated they also will have problems having to feed a meter when the times are expired because you can't always get away at will. She also feels that charging for Sunday parking is a very bad idea. She suggested having a shuttle service from outside areas of the city which will help the parking situation as well as the traffic congestion which makes it difficult to walk around the city.

Carol Jule – stated she is not a Portsmouth resident but has been a business owner for 17 years. She stated she is against a parking garage being built on the Worth Lot as the current parking facility is only filled to capacity 4 times during the year. She feels that the livelihood of the merchants in that area during a construction phase would be greatly impacted as has happened in other areas of construction recently. She concluded by stating that it is a bad economy and we are fighting to keep an ambulance in service, so we shouldn't be spending money on a parking garage.

Brian Wazlaw – spoke regarding the Parrott Avenue Parking Lot stating this should be kept as a free lot. He addressed the various current uses of the lot and the impact that metering would have on the people who use it. He also addressed the fact that this property was transferred to the City by the Universal Church and wonders if there are any restrictions.

**Seeing no one else wishing to speak, the Mayor closed the public comment session.**

## VII. PUBLIC HEARINGS

- A. Resolution Appropriating Funds in the sum of Seventy-Seven Thousand (\$77,000) Dollars for the Operation of the Fire Department

### **Mayor Ferrini read the legal notice and opened the public hearing.**

Renee' Plummer – presented for the record, copies of 11 letters from businesses on Pease Trade Port in favor of keeping Station 3 in full operation. She read the letter from Salient Surgical Technologies Inc. as an example. She concluded by stating that she has had businesses on Pease for many years and feels that having Station 3 and an ambulance is important to the peace of mind of the people who work there.

Steve Chaisson – representing Allegra Printing and Imaging on Pease Trade Port asked the Council to please read the letters submitted. He stated he is not a resident but does pay taxes through a secondary source, but is unable to vote. He stated that a large part of the population of Portsmouth during the day is on Pease Trade Port and it would be a grave act to close Station 3 without due cause. He then related a personal story of an accident he was involved in at Pease where the Jaws of Life were needed to extract him from the vehicle. He stated the responders were there within minutes and got him to Portsmouth Regional Hospital quickly. He stated there are many accidents in that area and if response time was 10 minutes because they came from another part of the city, it doesn't make sense. He concluded by thanking the firefighters who helped him that day.

Laura Pantelakos – asked the Council to pass the resolution for the funding of Fire Department budget stating that when she served on the Council the Fire Department came in with the budgets the Council asked for and feels they shouldn't have to come back and ask for more money.

Don Albertson, Medical Director, Emergency Management Center, Portsmouth Regional Hospital – stated he empathizes with the decision the Council has to make but the issue is the life saving techniques which are projected into the field by the EMT's. He continued that the 10-20 minutes that they are with the patient is critical and the timing is important. He stated that everyone is grateful when they receive pain relief that can be administered by the EMT's but also, they are saving brain cells, etc. with a quick response time. He stated we also have to remember the aging demographic and cannot continually thin out the staffing of the department.

Bruce Vinceguerra, owner of Tony's Television Repair - stated he has had to call for an ambulance twice for customers as well as having a personal experience with his mother which he feels saved her life. He stated that the City should have safety of its citizens and visitors as the number one priority and find other ways to save.

Ralph Dibernardo, retired Deputy Fire Chief – stated he is in favor of passing this resolution stating that if someone is ill or in an accident they are lucky to be in Portsmouth because of the highly trained paramedics and the Portsmouth Regional Hospital. He stated that Schools,

police and fire have to be the priority over building a new gym, parking garage etc. He stated the Fire Commission and the Fire Chief have made a good presentation for this funding and feels you can't change the truth of the Fire Department by eliminating the Fire Commission.

Maura McQuillen, 10 Merrimac St. – stated she fully supports the Fire Department funding for the safety of our community. She stated that the Council is voted in to ensure the safety of the citizens and should support the funding.

Rick Condon – stated he has been talking with people about Fire Station 3 and people have commented to him that the employees have all gotten their raises. He stated he wants to set the record straight that there have been no COLA increases since 2007 and the only people who have gotten raises are those who qualify for their step increases. He stated they have also agreed to compromises with insurance that were asked for by the City. Finally, he discussed the overtime issue stating they went to a new leave system in 2003 which eliminated issues with the prior system, and now everything has to be document with a medical note which has resulted in a reduction of 4,500 overtime hours between 2003 and 2009. He explained that in 2010 there have been illness issues in the department which has impacted overtime, but asked the Council to remember that the department has been held to a 0 increase budget in the last 2 fiscal years. He stated that everyone understands that we are in hard times, but the employees have made concessions as well.

Shelly Vetter, owner and Exec. Director of Discovery Child Enrichment Center – stated the center has been on Pease for 17 years and they and the parents find it comforting knowing that Fire Station 3 is located close by. She stated they have responded to the Center many times and typically it is 3-4 minutes. She related a recent incident that occurred in January where the call was made but there had been no response for 8 minutes so she called Station 3 directly and was dismayed to learn that they were not able to run the ambulance because of lack of funding. She stated she understands the economic issues but fire and emergency services should not be cut.

Scott Young, lifelong resident, taxpayer and city employee – stated it is important to maintain coverage and response time and asked that the department be funded. He stated there is already uneven staffing and reminded the Council that the ambulances actually bring in revenue and is a good value for the money spent. He stated they are highly qualified professionals and the money being asked for is a very small percentage of the budget and is needed to keep the residents, tourists, workers, etc. safe in Portsmouth.

Justin Gamester – stated he trusts the City Manager and City Council to do the right thing, but he is worried about what is going on tonight. He continued that he is one of the younger people who have come back to live and work in Portsmouth and doesn't mind paying his fair share of taxes for the services that are provided. He stated as a resident of South Street, he is in a cross section of the city that will get quick response time, but he is worried about the areas that Station 3 covers, which is much greater than the Pease Trade Port area. He related some personal experiences and stated that response time is essential. He stated that he hopes the Fire Department his funded now and later during the budget adoption.

Grant Turpin, EMS Coordinator for Portsmouth Regional Hospital – stated he understands that the budgets are tight, but stated that when this service is reduced, it is endangering people's lives. He stated that response time makes the difference in the long term effect on quality of life after an incident. He stated that Station 3 is also essential to covering the various events that occur on the Pease Trade Port.

Paul Mannle – stated he is in favor of funding the Fire Department as this is a public safety issue as well as a revenue issue. He further explained the revenue brought into the City by the ambulances and asked that they keep this revenue source whole. He stated that we had a bad winter and went over the plowing by \$300,000.00 and there is no revenue source to replace that but we are hesitating on funding \$80,000.00 for the Fire Department who do bring in the revenue. He stated that we have spent twice that amount to design the gym and that is not more important than safety.

Steve Hart – stated he read in the paper about a partial building collapse and feels it is because safety factors are not being met and money is not being spent for safety. He asked that the Council fund the Fire Department budget.

Mark Herrholz, resident and firefighter – stated he appreciates the community's support tonight and stated that the Fire Department works well because of the way the geographical area is covered. He stated that area is not going to change and the amount of calls are increasing. He stated that closing Station 3 will make covering the City a shell game.

Ted Blood – asked the Council to support the funding to maintain the staffing level of the Fire Department. He stated he understands the reluctance to increase spending, but we should maintain our level of safety.

**Seeing no one else wishing to speak, the Mayor closed the public hearing.**

- B. Ordinance amending Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

**Mayor Ferrini read the legal notice and opened the public hearing. Seeing no one wishing to speak, the Mayor closed the public hearing.**

**Assistant Mayor Novelline Clayburgh moved to suspend the rules to move up on the Agenda Item IX-E for Council Action. Seconded by Councilor Lister and voted.**

- E. Adoption of Proposed Resolution Appropriating Funds in the Sum of Seventy-Seven Thousand (\$77,000) Dollars for the Operation of the Fire Department.

**Councilor Smith moved to adopt the Resolution for the sum of Seventy Seven Thousand (\$77,000) Dollars in accordance with the resolution. Seconded by Councilor Hejtmanek.**

Councilor Coviello asked Chief LeClaire to explain "cross-manning." Fire Chief LeClaire explained that with a limited amount of people they are split between vehicles and if they are short staffed and there are not enough people to man the vehicles, then they are not manned as there is a minimum level required to maintain safety. Councilor Coviello stated that at the last meeting Councilor Kennedy asked about volunteer fire fighters which the Chief responded would cost too much to train, etc. He stated that he feels we have to spend the money to train regular staff anyway so wouldn't it still be cheaper to train volunteers. Chief LeClaire explained that in small communities that get 200-300 calls per year, there is no burn-out of the volunteers. He stated there had been a volunteer crew at one time which dwindled down to 3 people as people lost interest. He stated the standards of training involved have also increased and must be maintained, and EMT's even more so. He stated with the investment in clothing, training etc. it is hard to get back that investment. Councilor Coviello continued by asking about backfilling positions instead of overtime and have the volunteers come in when someone is out. Chief LeClaire stated that he has 56 professionals who do come in when they are called that are trained to do the job. Councilor Coviello asked if the Chief just does not want volunteers at all. Chief LeClaire stated that there are volunteer opportunities out there but we are trying to keep a professional staff who stay in the job because there is a professional atmosphere.

Councilor Dwyer stated she feels it is time to revisit the staffing level issue because the number of staff have stayed the same since 2001 but the costs have risen from \$70,000 to \$120,000 per person which is a more rapid increase than other city departments. She stated that given the demographics, etc. instead of maintaining that level of staffing and filling in with overtime hours, wouldn't it be better to add people to the force to maintain the levels without overtime. Chief LeClaire stated he has always advocated for 15 per shift but the same thing will happen in a few years as people earn leave time. Discussion ensued. Councilor Dwyer stated that it is worth looking at the math as this is only a short-term solution.

Assistant Mayor Novelline Clayburgh stated she would like to think outside of the box and get creative in addressing the overtime issue. She stated that at \$75,000 per firefighter, they could hire 4 at a total of \$300,000 which could be taken directly from the overtime budget and that would take care of the shortfall on any given shift. Chief LeClaire reiterated that the new firefighters will earn leave time and have insurance costs, etc. so this would not be a magic bullet. Assistant Mayor Novelline Clayburgh stated that it is at least worth a try.

Secondly, Assistant Mayor Novelline Clayburgh asked if Station 3 could be closed at night. Chief LeClaire stated that Station 3 covers a much larger area than Pease Trade Port which are all open throughout the night. He stated that next year's budget is already \$300,000.00 down and even now, we do not have enough to staff all the ambulances.

Councilor Lister thanked everyone for their input. He stated that everyone is concerned with public safety and feels it is not a matter of putting a price on it. He stated there is confusion with this issue and we all have our stories of emergencies. He continued that it is time to talk about reform. He stated that Station 3 is an old building and will need repairs and wonders if we can work with the businesses on Pease to maybe retrofit another building. He stated that in regards to reducing the budget without affecting training, maybe we should close Station 3

at night as we need to look at the big picture and this is only short-term.

Councilor Spear asked what would happen if this supplemental resolution was not passed and the budget is level-funded. Chief LeClaire stated he will close Station 3 and disperse the staff accordingly. Councilor Spear asked why the idea of 4 floaters won't work. Chief LeClaire stated that other places have tried to do this and it doesn't work. He continued to explain that the department runs 4 companies and explained the dynamics of this system. Councilor Spear stated people are paying more and more for less and less. He stated this problem has been manifesting for a long time and they are offering suggestions. He continued that no one is saying that we have too many ambulances, but are looking for suggestions that can tackle the cost issue.

Discussion ensued regarding staffing levels, costs, etc.

Councilor Kennedy stated she has had lots of calls and some from retired firefighters who gave her some ideas about keeping costs down such as gurney swapping at the hospital. She stated when she talks about having auxiliary firefighters, she is thinking along the lines of the Coast Guard auxiliary which patrols the area during events, etc. She stated these auxiliary firefighters could clean hydrants and perform other duties and could maintain full-time employment and would stay here.

Councilor Smith thanked everyone for coming out and has also received a lot of calls. He stated we still haven't seen the downshift from Concord yet and we have no control over that, but we do control providing services that the citizens want which are Police, Fire and Schools. He stated that Station 3 takes care of 7,000 people in a large area that is more than Pease. He stated that we need to staff our departments with professionals and doesn't want to wonder if volunteers will show up or not. He stated it is difficult to think that we won't fund this \$77,000 in undesignated funds now because we are arguing about the next budget which hasn't even been presented yet. He stated the Fire Chief and Fire Commission have come in with the budgets that the Council has asked for over the last 2 years and feels the Council needs to support this resolution.

Councilor Hejtmanek stated he will support this resolution but feels that we already aren't staying within the budget and they haven't even gotten their COLA increases so it will be even more. He stated we need to get creative.

Councilor Coviello asked why we can't just have an ambulance at Pease. Chief LeClaire stated it is contractual and there are also times when a fire truck needs to be on scene as well. He stated he will not endorse such a proposal and won't inappropriately staff a station and jeopardize safety. He again explained his staffing philosophy. Councilor Coviello stated that we have created an unsustainable increase which has to be acknowledged and dealt with. He stated he is not interested in deferring the tough questions and will spend money if he sees solutions.

Discussion ensued regarding short-term versus long-term solutions including contract negotiations, retirement reform and overtime costs.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini stated it is easy to pass the \$77,000.00 resolution as it stands because we all want public safety. He stated it is fashionable to talk about how the public sector overspends and this is where we are at now. He stated in the private sector he has heard "Don't tell me why we can't do things" and feels the Chief has tried but his job is more than setting staffing levels. He stated we need more policy decisions and creative solutions as this is what senior management is all about. He stated if people think this is a preview of what is coming in the budget discussions, it is. He stated this discussion will occur with other departments as well and it may not be the preferred options that are being presented, but they have to at least be put out there for discussion.

**Motion voted on an 8-1 roll call. Councilor Coviello voted opposed.**

Recess called at 9:00 p.m. and reconvened at 9:10 p.m.

**Assistant Mayor Novelline Clayburgh moved to suspend the rules to move up on the Agenda Item XII.A.1 for Council action. Seconded by Councilor Smith and voted.**

1. Discover Portsmouth Center Re: Lease

Assistant City Attorney Suzanne Woodland reviewed the terms of the lease agreement, which will be for 25 years with substantial improvements to be made by the tenants. She stated they need to have this commitment to be able to raise funds. She concluded that they have maintained the historic covenants both internally and externally.

**Assistant Mayor Novelline Clayburgh moved to approve a long-term lease between the City of Portsmouth and the Portsmouth Historical Society, and further, authorize the City Manager to execute this Lease. Seconded by Councilor Hejtmanek.**

**Motion passed on an 8-0 vote. Councilor Kennedy abstained.**

#### **VIII. APPROVAL OF GRANTS/DONATIONS**

- A. Acceptance of Police Department Grant in the amount of \$7,000.00 from the Working Dog Foundation

**Councilor Smith moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Lister and voted.**

#### **IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES**

- A. First Reading of Proposed Ordinance Amendment to Chapter 7, Article I, Section 7.1 – Parking Meters (Downtown Parking Omnibus)



**Councilor Spear moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 18<sup>th</sup> City Council meeting, seconded by Councilor Coviello.**

Councilor Spear stated he wanted to make a brief comment that there were many people who spoke against raising parking revenues who also spoke in favor of funding the additional revenue for the fire department and feels that these two positions don't match.

Councilor Smith stated he will vote in favor of forwarding this and the others to a second reading and public hearing, but is not in favor of all of the omnibus items. He stated he disagrees with Councilor Spear's observation as the metered funds do not go into the general fund and that fees are different than fines.

Councilor Lister stated he also will support moving these to a public hearing, but is not in favor of the proposals.

**Motion voted.**

- B. First Reading of Proposed Ordinance Amendment to Chapter 7, Article IV, Section 7.402 – Off-Street Parking Areas – Parrott Avenue Parking Lot (Downtown Parking Omnibus)

**Assistant Mayor Novelline Clayburgh moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 18<sup>th</sup> City Council meeting. Seconded by Councilor Coviello and voted.**

- C. First Reading of Proposed Ordinance Amendment to Chapter 7, Various Limited Time Parking Sections – Sunday Hours (Downtown Parking Omnibus)

**Assistant Mayor Novelline Clayburgh moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 18<sup>th</sup> City Council meeting. Seconded by Councilor Spear and voted.**

- D. First Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.101 – Definitions and Section 7.105 –Variable Parking Rates. (Downtown Parking Omnibus)

**Assistant Mayor Novelline Clayburgh moved to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 18<sup>th</sup> City Council meeting. Seconded by Councilor Hejtmanek and voted.**

- E. Adoption of Proposed Resolution Appropriating Funds in the Sum of Seventy-Seven Thousand (\$77,000) Dollars for the Operation of the Fire Department.  
***(Action on this item taken earlier in the Agenda)***

- F. Second Reading of Proposed Ordinance Amendment to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability

**Councilor Spear moved to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, for the April 18, 2011 City Council meeting. Seconded by Councilor Lister and voted.**

- G. Third and Final Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.321, Sub-section G – Snow Emergency Parking Ban

**Councilor Smith moved to pass third and final reading of the proposed ordinance, as presented. Seconded by Councilor Lister and voted.**

#### **X. CONSENT AGENDA**

- A. Letter from Josh Pierce, Seacoast Area Bicycle Routes, requesting to hold the Seacoast Bike/Walk to Work Day on May 20, 2011 ***(Anticipated Action – move to refer to the City Manager with power)***
- B. 2011 Omnibus Sidewalk Obstruction Renewals – See Attached Listing ***(Anticipated Action – move to refer to the City Manager with power)***
- C. Letter from Stu Simon, Great Bay Services, requesting to hold Great Bay Resolution 5K on January 1, 2012. ***(Anticipated Action – move to refer to the City Manager with power)***
- D. Acceptance of Donations for USS Virginia.
- The American Legion Frank E. Booma Post. No 6 \$ 25.00
  - People's Bank \$250.00
- (Anticipated Action – move to accept the donations for the USS Virginia, as listed)***

**Assistant Mayor Novelline Clayburgh moved to adopt the Consent Agenda as presented. Seconded by Councilor Smith and voted.**

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

- A. Request for Renewal of Boarding House Permit for G. Edward Gowen Jr., 350-352 Hanover Street

**Councilor Coviello moved to authorize the City Manager to issue the Boarding House Permit for G. Edward Gowen Jr., 350-352 Hanover Street. Seconded by Councilor Lister and voted.**

- B. Request for Renewal of Boarding House Permit for Paul H. White & Janet White-Nay, 278 Cabot Street

**Councilor Coviello moved to authorize the City Manager to issue the Boarding House permit for Paul H. White and Janet White-Nay, 278 Cabot Street with condition of a weekly cleaning schedule of common areas be submitted to the Health Officer. Seconded by Councilor Lister and voted.**

- C. Request for Renewal of Boarding House Permit for Bach Realty, 21 Brewster Street

**Councilor Spear moved to approve and authorize the City Manager to issue the annual Boarding House permit for 21 Brewster Street with the following conditions, seconded by Assistant Mayor Novelline Clayburgh.**

- a) Quarterly inspections of the entire building instead of annual inspections.***
- b) Continued Pest Control Management as directed by the Health Department; and***
- c) No un-registered/non-inspected vehicles stored on the property.***

Councilor Coviello asked about the stipulations and if there have been recent issues. City Manager Bohenko stated there have been but the staff has been working with them to ensure compliance and to stay on top of the issues. City Attorney Sullivan stated they have been very responsive to the stipulations. City Manager Bohenko stated that this place has 39 rooms compared to the 12 in the other two locations.

Councilor Lister asked if the inspections include the inside and outside of the premises. City Manager Bohenko stated yes. Councilor Smith clarified that if the conditions are not met then the license will be suspended. City Manager Bohenko confirmed.

**Motion voted.**

- D. Letter from Dyanna L. Smith, President, Red Eft Project, requesting permission to locate a small series of temporary art sculptures on city property as part of an exhibit of environmental art scheduled during the Whaleback Environmental Film and Art Festival in May.

**Councilor Spear moved to refer to Art Speak for a report back. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

- E. Letter from Attorney Robert Ciandella, on behalf of Maplewood & Vaughan Holdings, LLC seeking a Zoning Amendment to Section 10.440, 19.40 to allow, by Special Exception, Drive-Through Facilities as an accessory use to a permitted principal use in the Central Business A (“CBA”) Zone

**Councilor Smith moved to refer to the Planning Board for a report back. Seconded by Councilor Spear and voted 8-0. Councilor Coviello abstained.**

- F. Letter from John R. Chagnon of Ambit Engineering, Inc. regarding Subdivision Application for property located off Kearsarge Way, Tax Map 212, Lots 118, 119 and 122

**Councilor Smith moved to refer to the Planning Board for a report back. Seconded by Councilor Lister and voted 8-0. Mayor Ferrini abstained.**

- G. Letter from Stephen R. Alie regarding Downtown Parking Fees.

**Assistant Mayor Novelline Clayburgh moved to accept and place on file. Seconded by Councilor Lister and voted.**

- H. Letter from Superintendent of Schools Ed McDonough requesting permission to hold a 5K “Run for the Sol” road race on May 14, 2011.

City Manager Bohenko stated that this letter was submitted after the agenda had been done but because the PDA also needs to grant approval, he is asking the City Council to act on it this evening to help move the process along.

**Councilor Smith moved to refer to the City Manager with power. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

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

### **A. CITY MANAGER**

1. Discover Portsmouth Center Re: Lease  
*(Action on this item taken earlier on the Agenda)*
2. Request for a Parking Lot Agreement Re: Middle Street Baptist Church

**Councilor Dwyer moved to approve a License Agreement between the Middle Street Baptist Church and the City of Portsmouth, as presented, and further, authorize the City Manager to execute this Agreement. Seconded by Councilor Hejtmanek and voted.**

### 3. Report Back Re: Bike Racks

City Manager Bohenko stated there are two options for the Council to choose or they can choose to do neither. He stated the staff recommends option 2.

**Councilor Spear moved to approve option 2, install inverted U bike racks in 8-10 areas on various sidewalk areas of State Street. Seconded by Councilor Hejtmanek.**

Councilor Kennedy asked for clarification of where these racks would be placed and that it would not be in a parking space. Parking Manager Jon Frederick stated they will be installed along poles and meters, in pocket areas, and not in a parking space.

Councilor Smith asked about snow removal around these racks. Mr. Frederick stated these are removable and will be removed during the winter months.

**Motion voted.**

**Councilor Spear moved to utilize one space on Market Street, in the Gaslight or Fat Belly's area for a 14-bicycle rack as described. Seconded by Councilor Coviello.**

Councilor Spear explained that he likes both options but feels that State Street is better than Daniel Street for the 14-bike rack as he sees a lot of inappropriately parked bicycles in the Fat Belly's area. He stated it is true that it will use up one parking space but feels that makes the rack more visible and gives a good image of the City of Portsmouth. He stated he supports this as a marketing statement of our sustainability efforts as an eco-municipality. He stated it shows we value alternative green transportation.

Councilor Dwyer asked about putting it in the small lot near that area instead. Councilor Smith does not agree with that location or with using a parking space either.

Councilor Lister stated he would like it in a visible location as it helps show people that we are the walkable city we are advertised to be.

City Manager Bohenko agrees that the small lot is not a good location and stated that this is a movable rack and we can try it at various locations. He suggested the cross-hatched no parking area on Bow Street as it wouldn't obstruct visibility. Mr. Frederick stated he can look into it.

Councilor Coviello stated this is missing the point that it should be in a parking spot to emphasize that it is actually converting the one space into 14 spaces and feels there should be a display in place to explain why it is there.

Councilor Kennedy doesn't want any parking spaces used.

**Councilor Kennedy moved to amend the motion to adopt the first option of installing a 14 bicycle rack to state, “in a visible location but not utilizing a parking space, upon recommendation by the staff”. Seconded by Councilor Smith.**

Councilor Smith stated that we should not be putting a bike rack in an area that is designated as no parking and has high pedestrian volume.

**Motion to amend passed on a 6-3 roll call vote. Councilors Spear, Coviello and Mayor Ferrini voted opposed.**

**Main motion as amended passed on a 7-2 vote. Councilors Spear and Coviello voted opposed.**

4. Request for a License from Bryan Trudel, owner of Zahtar Mediterranean Sandwich Bar, property located at 148 Fleet Street to install a projecting sign.

**Councilor Kennedy moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Bryan Trudel, owner of Zahtar Mediterranean Sandwich Bar to install a projecting sign on an existing bracket at 148 Fleet Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

*Planning Board Stipulations:*

1. *The license shall be approved by the Legal Department as to content and form;*
2. *Any removal or relocation of the projecting sign, for any reason, shall be done at no cost to the City; and*
3. *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason, shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works.*

**Informational Items**

1. Events Listing

**B. MAYOR FERRINI**

1. \*Reports

There were no reports.

**C. ASSISTANT MAYOR NOVELLINE CLAYBURGH**

1. \*Request for Work Session Re: Update of Census Information and Affordable Housing

Assistant Mayor Novelline Clayburgh stated that with the recent Census information being released she feels it would be a good time to get an update of that information and affordable housing as well.

Mayor Ferrini stated that this time of year the Council is occupied with the budget process so this can be added to list for future work sessions.

**XIII. MISCELLANEOUS/UNFINISHED BUSINESS**

Councilor Lister asked that the letter that was left on the Council desks by Dr. Clairmont be added to the next Council agenda under his name for discussion.

Councilor Spear asked for an update on the Safe Routes to School grant money at a future meeting as well.

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

**Councilor Coviello moved to adjourn at 9:50 p.m. Seconded by Assistant Mayor Novelline Clayburgh and voted.**

Respectfully submitted:

Valerie A. French,  
Deputy City Clerk I