

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 18, 2011

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

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, and Kennedy

Absent: Councilor Smith

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

Councilor Lister led the Pledge of Allegiance.

PROCLAMATIONS

1. Earth Day 2011

Councilor Spear read the Proclamation in celebration of Earth Day 2011.

2. Arbor Day – April 29, 2011

Councilor Hejtmanek read the Proclamation in celebration of Arbor Day being held April 29, 2011.

3. Poet Laureate

Mayor Ferrini introduced Lesley Kimball, co-chair of the Poet Laureate Selection Committee, who gave a brief overview of the Poet Laureate Program over the last 14 years, stating that tonight, the 8th Poet Laureate will be named. She thanked all of the nominees and the judges, including Councilor Kennedy.

Councilor Kennedy read the Proclamation naming John-Michael Albert the Poet Laureate for the City of Portsmouth. She stated she enjoyed serving as a judge although it was a really hard decision to choose between the many qualified and talented nominees.

Pat Parnell, Poet, Editor, Mentor and Teacher - gave a brief summary of activities and introduced Mark DeCarteret the outgoing Poet Laureate to pass the quill to Mr. Albert.

Mr. Albert accepted the honor and the quill with appreciation and thanks.

V. ACCEPTANCE OF MINUTES – APRIL 4, 2011

Councilor Coviello moved to accept the minutes of the April 4, 2011 City Council meeting. Seconded by Councilor Kennedy and voted.

VI. PUBLIC COMMENT SESSION

Mayor Ferrini opened the Public Comment Session:

Bob McElwain – read a letter on behalf of his wife Mary Lou that had been written to the Portsmouth Herald but not published, regarding this not being a good time economically to spend money on a new Recreation Facility.

Bill St. Laurent – stated that the decision to go forward with the Recreation Facility should be held off because of the bad economy, rising tax bills, parking problems and other issues facing the City.

Ed DeValle, Recreation Board member- spoke in support of the Recreation Facility stating that this is the time to go forward stating that it will cost more and more the longer we put it off. He stated that the Connie Bean Center is no longer an adequate facility and is an unsafe environment for the children, and the new facility will enhance the gym program at the Middle School as well.

Carl Diemer, Chairman of the Recreation Board – spoke in favor of the Recreation Facility stating that the Recreation Needs Study recommended and validated the need for this facility. He urged all Councilors to vote in favor of the resolution stating renovating the Connie Bean Center would be very expensive and sharing the new facility with the school would be cost-effective. He stated that some Councilors have expressed that there needs to be a new revenue stream first to pay for this, but this is a totally separate issue and should be treated as such.

Max and Charlie Surmaian, Middle School students – spoke in favor of the new Recreation Facility stating that currently the Middle School gymnasium has to be divided up during the day for gym programs and sometimes things have to be cancelled because there isn't enough space. Max related a story of running into the walls while playing basketball at the Connie Bean Center.

Mayor Ferrini stated that 3 pieces of correspondence have been received today expressing support of the Youth Recreation Facility. They were from Kathy Birse Siegel, Korey Sirmaian and Monica Dorley.

Seeing no one else wishing to speak, the Mayor closed the Public Comment Session.

VII. PUBLIC HEARINGS

Parking and Traffic Director Jon Frederick gave a brief overview of the 4 omnibus ordinance amendments stating that if all 4 ordinances were passed, it would result in approximately \$604,025.00 additional revenue annually.

- A. ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE I, SECTION 7.1 – PARKING METERS (DOWNTOWN PARKING OMNIBUS) – SECTION 7.102 PARKING METER ZONES AT METERED SPOTS UPON STREETS AND METERED PARKING LOTS SHALL BE INCREASED TO \$1.00 PER HOUR WITH MAXIMUM TIME PERMITTED FOR PARKING OF TWO (2) HOURS. SECTION 7.105 – PARKING – ALL ON-STREET METERED PARKING SHALL BE INCREASED TO \$1.00 PER HOUR FOR A MAXIMUM OF TWO HOURS

Mayor Ferrini read the legal notice and opened the Public Hearing.

Doug Bates, Chamber of Commerce President – spoke against the proposed parking changes stating there is a delicate balancing act in attracting people to the downtown, providing parking for employees of the downtown businesses and keeping things equitable. He stated it is not equitable to provide free parking for teachers and City workers and the downtown workers have to pay for parking. He continued that visitors will get frustrated and not stay very long if they have to continually move their cars or get ticketed. He urged the Council to take care in determining the zones of charging different parking rates in different areas as he feels it will be confusing. He concluded by stating that now is not the time to make these changes and the focus should be on long-term solutions.

Mayor Ferrini reminded the audience that there are 4 separate public hearings and to try and speak only to the subject of the particular ordinance.

Bob Hassold – asked if the Council is listening to the people that elected them and stated that if we need the money that badly, then raise the street meters to \$1.25 and the garage to \$1.00 so people will use the garage. He stated if they decide to meter on Sundays, then they should roll back the time from 7:00 p.m. to 6:00 p.m. for the rest of the week. He concluded by stating that the Council should also be required to pay the meters and get tickets like everyone else.

Stephen Alie – stated that a good parking plan will strengthen the tax base, but feels as it is currently written, it fails the test.

Natalie Hassold – asked the Council to keep the residents, employees and tourists in mind and not just the money. She stated that the street parking should cost more than the garage to encourage people to use the garage. She asked for clarification as to whether the parking revenue can be used for other projects or just parking related. *(Mayor Ferrini stated this will be addressed when the item is up for a vote.)*

Dennis Lunn, Owner of Bakery at 9 Congress St. – spoke on behalf of his employees many of whom are college students and can't afford to pay to park in the Parrott Avenue Lot. He stated these types of employees are the least capable of paying to park daily and is why they are willing to walk and have all signed a petition. He concluded that as a business owner he understands the need to raise revenue, but suggested raising the street parking rate and supports metering on Sundays, but give employees a place to park.

Seeing no one else wishing to speak, the Mayor closed the Public Hearing.

- B. ORDINANCE AMENDMENT TO CHAPTER 7, ARTICLE IV, SECTION 7.402 – OFF-STREET PARKING AREAS – PARROTT AVENUE PARKING LOT (DOWNTOWN PARKING OMNIBUS) BY THE PLACEMENT OF PARKING METERS

Mayor Ferrini read the legal notice and opened the Public Hearing.

Liz Wright, owner of Fa La Lo – spoke as a representative of the Chamber of Commerce Retail Committee stating they have had lengthy discussions on this issue and agree with Chamber President Doug Bates previous comments. She stated that if the downtown employees have to pay at Parrott Avenue Lot, they will go down the street and park in the City Hall parking lot, since City employees don't have to pay to park, or they will go to the side streets which will just create more problems. She presented a petition with signatures against the Parrott Avenue Lot proposal.

Blake Gumprecht – 880 State St. – stated that as a taxpayer with no off-street parking, the Parrott Avenue Lot is only one of two available to him to park so he is against metering the lot.

Libby Page – stated she works at Footnotes Shoe Store and as an employee, she also serves as an ambassador for the City of Portsmouth by recommending places to eat and shop, gives directions etc. She stated that 50 cents an hour to park for a 40 hour week, plus having to go to the meter and fill it during the day is not something she and other employees can afford to do. She presented a petition of over 400 signatures of downtown workers who cannot afford to pay to park.

Ralph DiBernardo – spoke against metering the Parrott Avenue Lot stating that they are already reducing the spaces in the lot for the teachers and wonders what will happen when the downtown employees migrate to the City Hall lot.

Richard Smith – stated that Parrott Avenue Lot should be free and feels there should be a sticker system in place for residents and downtown employees and have the tourists pay the parking fees.

Jay Gibson, President of Piscataqua Savings Bank – spoke against metering the Parrott Avenue Lot stating that employers cannot compensate their employees who will now have to pay to come to work. He reminded the Council that his bank parking lot already helps the City by allowing parking after hours and on weekends.

Harold Whitehouse – stated he cannot believe that this is before the Council once again. He stated this was an issue 20 years ago when the Shipyard workers parked there and took a bus to the Navy yard. He stated that the Council has heard from the downtown employees and should not pass this ordinance. He stated they should sell decals to 32 prime parking spots between Parrott Avenue and Pleasant Street as it is a well lit and patrolled area.

Charles (inaudible), Pleasant Street resident – stated he spoke on this issue last year when it was being discussed stating this is the only place for employees to park except the garage, which he feels \$100.00 a month is too expensive to park there as well. He stated that when he has visitors from out of town, he directs them to park in the Parrott Avenue Lot as this is his only option.

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. Secondly, as the Chair of the Downtown Parking Focus Group, they presented 7 recommendations and none of them were for Sunday metering. He continued that the reason the downtown continues to thrive after 7:00 p.m. is because of the people who live there, which is unlike other local downtown areas. He also asked that City Attorney Sullivan clarify the urban myth that there were to be no fees charged for the Parrott Avenue Lot. Finally, he stated that the City owns Parrott Avenue which is a City street and therefore they can reserve parking for the teachers there similar to how they reserve taxi stands, loading zones etc. He stated that we don't have a revenue problem, we have a spending problem.

Fred Levine – stated he has no off-street parking and has to seek alternate parking and feels that Parrott Avenue Lot should remain free. He stated that there is a missing link in the City of Portsmouth parking program as there are no residential parking permits available. He stated he would support Sunday permitting but only if there was a residential permit in place as currently Sunday is the only day he doesn't have to worry about parking.

Elaine Wood, resident and employee of downtown bank – stated that the Council should vote no on metering the Parrott Avenue Lot as that is where all of the bank employees have to park.

A resident of 702 Springbrook Circle, also works at Piscataqua Bank and is against metering Parrott Avenue Lot.

Kim Sabrowski, resident of Hampton, employee of Piscataqua Bank – spoke against metering the Parrott Avenue Lot as it would be an unfair burden on the employees.

Gail Licciardello, owner of Paradiza – spoke against metering Parrott Avenue Lot stating that this does not support the downtown businesses.

Beth Gilbert, owner of Izzy's Frozen Yogurt, stated she also remembers this issue from 20 years ago and is still against metering it.

Bill St. Laurent – stated the Council is hearing overwhelmingly against this metering at Parrott Avenue Lot, especially when letting teachers park there for free. He stated this is unfair to the downtown employees and residents and no one is in favor of it.

Kim Sabrowski, 2nd time – added that when the teachers start using the 45 spaces on May 2nd, the other people using the lot will have to get to work that much earlier in order to secure a space.

Natalie Hassold – asked the Council to vote against this ordinance proposal.

Seeing no one else wishing to speak, the Mayor closed the Public Hearing.

- C. ORDINANCE AMENDMENT TO CHAPTER 7, VARIOUS LIMITED TIME PARKING SECTIONS – SUNDAY HOURS (DOWNTOWN PARKING OMNIBUS) TO HAVE PARKING METERS OPERATIONAL ON SUNDAY

Mayor Ferrini read the legal notice and opened the Public Hearing.

Ralph DiBernardo – spoke against metering on Sundays stating that this is excessive. He stated that the North Church chose to restore that Church and continue to hold services there to stay in the downtown and is an icon, so we should not start charging people who go to church.

Richard Smith – spoke against metering on Sundays as that is the day he can do his errands and not worry about parking.

Donald Coker – stated he wants to see leadership from the Council on this issue stating that no one has come forward saying that they proposed this idea. He stated he knows of no other communities charging on Sundays.

Harold Whitehouse – stated he usually doesn't get too upset about things, but this one upsets him. He stated that we have events and church on Sundays and we will no longer be the City of the open door, but the City of greed and more.

Liz Wright, owner of Fa La Lo and Representative of the Chamber of Commerce Retail Committee – stated that they are not in favor of Sunday parking because we need more weekend business and this will keep people away.

Bill St. Laurent – stated all of the people who come to events on Sundays will have to pay to park now and wonders how many will actually come if that is the case. He stated there should be more money charged per hour on the streets during regular hours and not on Sundays when families can park and walk around for free.

Tom Holbrook, resident and owner of River Run Bookstore – stated this bothers him because it is just about revenue and not about a long term parking solution.

Bob Hassold – stated he feels that there is already enough of a turnover and we should not charge to park on Sundays.

Gail Licciardello owner of Paradiza – stated that people complain all the time about getting tickets and paying the meters etc. but they don't complain on Sundays and she would like the Council to vote against this ordinance.

Seeing no one else wishing to speak, the Mayor closed the Public Hearing.

- D. ORDINANCE AMENDMENT TO CHAPTER 7, SECTION 7.101 – DEFINITIONS AND SECTION 7.105 – VARIABLE PARKING RATES (DOWNTOWN PARKING OMNIBUS) – TO CREATE SPECIAL PARKING DISTRICTS WITH INDIVIDUAL RATES

Mayor Ferrini read the legal notice and opened the Public Hearing.

Liz Wright, owner of Fa La Lo – stated the retail group meets every Friday in an effort to find ways to get people into their stores, and all of Portsmouth and get discouraged by hearing about people getting parking tickets. She stated that the variable parking rates will be confusing to people and people will get tickets because they are paying what they are used to paying and not the correct amount for that certain area.

Bob Hassold – stated that the parking system is confusing as it is and feels that color coding will not help. He asked that they keep the system simple.

Donald Coker – stated he and the Downtown Parking Focus Group support this proposal. He stated it is the same as paying for the “good” seats at a baseball game. He stated they should also do some type of advertisement on the meters about the parking garage so people will have that option available as well for less money.

Ralph DiBernardo – stated the previous speaker just confirmed what his wife had said about this proposal and that it is “snob” zoning and it is like paying for good seats in that only people that can afford them can use them. He stated that this omnibus is out of control and its time to get off the bus.

Barbara McDonald, business owner – stated she is against all of the parking changes and feels it is an unfair additional tax on the working class. She stated she would like to see a permit system for residents and employees. She continued that she doesn't understand why teachers are getting free parking when they make a good wage. She stated that 2 hours is not enough time for people to park, eat at a restaurant and then shop. She stated people often come in and then have to leave to pay the meter, but they don't come back.

Richard Smith – stated that this variable parking proposal isn't good for anyone, except Don Coker.

Valerie Rochon, tourism manager for the Chamber of Commerce – stated she is representing the visitor to Portsmouth and she gets a lot of complaints and feels the perception of parking in Portsmouth is that it is difficult. She stated it is her job to welcome people and feels that the variable rate will be an unfriendly message.

Tom Holbrook, owner of River Run Book Store – stated he understands they are trying to create turnover and have people park at the garage, etc. but feels this won't happen because people who live in Portsmouth don't like the garage and feels we need to incentivize parking there better. He stated that this needs to be simple and long-term.

Beth Gilbert, owner of Izzy's Frozen Yogurt – stated that when she hears about the variable rate and that it is unfair, she understands this because she pays a higher rent for her area because of the location.

Dennis Lunn, Manager of business at 9 Congress St. – stated that parking is the number one complaint they hear and feels that increasing it to \$1.25 will not help.

Doug Roberts, stated that it is unclear why this revenue is being raised, is it for a garage, is there a deficit? He stated that he sees no need for more revenue if it can't go into the general fund and feels we are putting the cart before the horse.

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

A five minute recess was called at 9:00 p.m. Meeting reconvened at 9:05 p.m.

VIII. APPROVAL OF GRANTS/DONATIONS

(There were no items under this section of the agenda)

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First Reading of a Resolution Authorizing a Bond Issue of up to Twelve Million Dollars (\$12,000,000.00) for the Construction of a new Parking Facility

Assistant Mayor Novelline Clayburgh moved to pass first reading and schedule a public hearing and adoption of the proposed Bonding Resolution, as presented, at the May 2nd City Council meeting.

Councilor Hejtmanek moved to table the first reading to the July 18, 2011 City Council meeting. Seconded by Councilor Kennedy.

Councilor Hejtmanek stated that he would like to wait until after State budget has passed so we know what the effect of that will be on our budget.

Councilor Kennedy stated she agrees as we have no idea what effect the State budget will have on our budget and we are already increasing the water and sewer rates.

Councilor Coviello stated he will not support the amendment because we need economic development and this will help create this and the downtown needs it.

Councilor Dwyer stated this is not coming out of the operating revenues and wonders why we would postpone the first reading and not send it to the second reading and public hearing and then decide whether to postpone.

Assistant Mayor Novelline Clayburgh stated she will support the first reading because as a member of the Economic Development Commission, they discuss that there is not adequate parking for businesses and employees. She stated we have also paid off the bond for the High Hanover Parking Garage and this will come out of parking revenues.

Councilor Lister stated he is opposed to tabling the resolution and wants the public to have an opportunity to weigh in on it. He stated we should be sensitive to spending on new projects and balance the current items.

Councilor Spear stated he is in favor of the Worth Lot but will vote to postpone because of the State budget and other projects. He stated delaying until July will not do any harm and will help us know if we are making the right move.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini stated that it is unfair to compare this project to another and we shouldn't be working under the "Chicken Little" scenario. He stated that this will not be out of yearly operating revenue and will help in these economic times.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

Motion to table FAILED on a 3-5 roll call vote. Councilors Hejtmanek, Spear and Kennedy voted in favor.

Councilor Kennedy stated we need to look at our current resources and things coming down the pike like the federal building and the parking there. She stated we already may have an extra fire station and doesn't want to rush into anything. Councilor Hejtmanek stated we are making assumptions and have no numbers.

Councilor Spear stated he supports this garage and will vote in favor. He stated that he has some process questions and would like to know the different types of clients and their needs that this will serve. He stated if this passes the 2nd reading, he would like to know what community representation will be appropriate for a committee. City Manager Bohenko stated there will be a stakeholders group involved and the Vaughan Mall businesses will be an integral part of it. He stated this is a very challenging site and there will be a public process.

Assistant Mayor Novelline Clayburgh asked for clarification that parking revenues will be used to pay for a garage and not coming from the taxpayer or general revenue. City Manager Bohenko stated that is correct. He continued to explain that the High Hanover Parking Garage debt has been retired and the new debt would be \$1,000,000.00. He stated that any additional

revenue would reduce the amount that goes to the general fund and any money in excess, would flow to the general revenue side. Assistant Mayor Novelline Clayburgh asked if this happened with the High Hanover Garage. City Manager Bohenko stated we didn't have the Enterprise Fund at that time.

Motion to pass first reading and schedule a public hearing and adoption of the Resolution at the May 2, 2011 City Council meeting passed on a 6-2 roll call vote. Councilors Spear and Kennedy voted opposed.

- B. Second Reading of Proposed Amendment to Chapter 7, Article I, Section 7.1 – Parking Meters (Downtown Parking Omnibus) – Section 7.102 Parking Meter Zones at metered spots upon street and meter parking lots shall be increased to \$1.00 per hour with maximum time permitted for parking of two (2) hours. Section 7.105 – Parking – All on-street metered parking shall be increased to \$1.00 per hour for a maximum of two hours

Councilor Spear moved to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, as presented, for the May 2nd City Council meeting. Seconded by Councilor Coviello.

Councilor Coviello asked for a more specific explanation of the parking revenues as to whether there are certain revenues that have to go towards parking. City Manager Bohenko stated parking meter revenue goes into the Parking Fund. Councilor Coviello stated that if the parking meter revenues exceed the cost of the garage, then the excess can go to the general fund.

Assistant Mayor Novelline Clayburgh stated she has had the idea of making on-street parking be \$1.25 per hour across the board and the garage \$1.00 per hour and feels that would encourage people to use the garage and avoids the confusion of the variable rates. She stated she would also not meter the Parrott Avenue Lot. Mayor Ferrini clarified that we are only discussing Item B.

Councilor Spear stated there were good suggestions given by the public but there is a reason that it is split up because there are areas away from Market Square that aren't used a lot and would lessen their use even more. He stated the goal is to encourage turnover of customers. He stated there has been a lot of research done and feels we should try this as presented.

Councilor Coviello stated it was his fault that the Recreation Facility issue was tied to the parking revenue issue and he is looking to resolve that. He stated he is trying to help solve the problem of having to look for a parking spot and feels there is no incentive to go to the parking garage. He stated that the extra 25 cents an hour at a meter is supposed to be the incentive according to the experts.

Councilor Kennedy asked what would be the additional revenue if \$1.00 per hour at the garage and \$1.25 on the streets. Parking Manager Jon Frederick stated \$400,000.00 for the garage and \$380,000.00 for the meters. City Manager Bohenko stated that these figures are off the

top of his head and not to be quoted. Councilor Kennedy asked what the costs of putting directions to the garage on the pay and display meters would be. Jon Frederick explained that they are looking into an informational decal. Councilor Kennedy stated she would like actual directions i.e., "you are here, the garage is there". Mr. Frederick stated that would be a customized item and would be more expensive. Councilor Kennedy concluded by stating that she understands that 2 hour parking is not enough for people to eat at a restaurant and go shopping etc. afterwards.

Councilor Lister stated he supports this because it raises revenues, is cheaper than other cities and we have had no change in rates for several years.

Assistant Mayor Novelline Clayburgh stated she will not support this because the revenue estimated by Jon Frederick for the flat rates is more than all 4 of the ordinances combined.

Mayor Ferrini stated that we only have item B in front of us and if this proposal is presented, it would have to go to another public hearing as it raises the amounts.

Assistant Mayor Novelline Clayburgh moved to amend by changing the per-hour for street meters to \$1.25 and to \$1.00 per hour in the parking garage, seconded by Councilor Kennedy.

City Attorney Sullivan stated that this amendment would not be in order because it raises the amount so another ordinance would have to be drafted and the process started again. Mayor Ferrini ruled the motion out of order.

Councilor Hejtmanek stated he will support the ordinance as presented and feels that going up 50 cents an hour is too much. Councilor Dywer agrees.

Main motion passed on a 7-1 roll call vote. Assistant Mayor Novelline Clayburgh voted opposed.

- C. Second Reading of Proposed Ordinance Amendment to Chapter 7, Article IV, Section 7.402 – Off-Street Parking Areas – Parrott Avenue Parking Lot (Downtown Parking Omnibus) by the placement of parking meters.

Councilor Spear moved to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, as presented, for the May 2nd City Council meeting. Seconded by Councilor Coviello.

Councilor Spear moved to amend to reduce the proposed meter rate at the Parrott Avenue Lot from 50 cents to 25 cents per hour. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Spear stated that the Council got accolades on the budget that was presented but there is a "train of pain" coming from the State and we won't know the impact of that until June and the entire burden will fall on the taxpayers. He stated this asks that some of the people who use the City services to contribute. He stated there used to be a room and meals tax but

now everything comes from the taxpayer and he feels that it is fair that the people who live, work and visit the City contribute to the bottom line. He clarified that there was concern of having to feed the meters throughout the day, but there is an option to pay for a full day.

Councilor Kennedy stated she will vote no on this as she feels that employees need a place to park.

Councilor Lister stated he will not support metering this lot in any way as he supports the workers in this City who as was mentioned before are ambassadors for our City. He stated he knows we have to raise revenue to make up for the State, etc. but he doesn't want to worry about the boogie man and we need to move forward.

Councilor Coviello stated that he believes there are other places available i.e. Masonic Lot, South Mill Playground, City Hall lot, etc. and that it is about convenience and not availability. He stated that when the Parrott Avenue Lot is full by 8:20 a.m. people go to the next available lot and so on and feels we shouldn't give away the most convenient spots away for free. He stated he would like to have a discussion on what we want the lot to be, set goals and decide how to achieve them.

Councilor Dwyer stated she would rather postpone the ordinance indefinitely in order to work with the merchants to find alternative employee parking and feels the employers have a responsibility to work with the Council but that didn't happen here. She stated we also knew that over the next 12 months that whole area will be disrupted with construction so it is not a good time to try and resolve that area's issues. She stated when the zoning ordinance was discussed it was brought up that residential parking should be included. She stated that also there are not many takers for the lower cost overnight parking rates for residents at the garage, which is also an option.

Councilor Kennedy called the question.

Motion to amend FAILED on a 3-5 roll call vote. Assistant Mayor Novelline Clayburgh, Councilors Hejtmanek and Spear voted in favor.

Councilor Dwyer moved to postpone the second reading of the ordinance indefinitely. There was no second to this motion.

City Attorney Sullivan reviewed the options of postponing the ordinance or tabling the ordinance.

Councilor Spear moved to postpone the ordinance to the October 17, 2011 City Council meeting. Seconded by Councilor Coviello.

Councilor Spear explained that he wanted to postpone but have a set date so it doesn't get forgotten and gives enough time for construction to be done.

Councilor Kennedy stated the people have been here several times on this issue and feels they deserve an answer.

Councilor Coviello stated that there are still issues to resolve and is sorry if people will have to come back.

Assistant Mayor Novelline Clayburgh stated she feels this Council is wishy-washy and have been talking about this forever. She agrees that this needs to be voted tonight. Councilor Lister concurred.

Motion to postpone to October 17, 2011 passed on a 5-3 roll call vote. Assistant Mayor Novelline Clayburgh, Councilors Lister and Kennedy voted opposed.

- D. Second Reading of Proposed Ordinance Amendment to Chapter 7, Various Limited Time Parking Sections – Sunday Hours (Downtown Parking Omnibus) to have parking meters operational on Sunday.

Councilor Spear moved to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, as presented, for the May 2nd City Council meeting. Seconded by Councilor Coviello.

Councilor Kennedy stated the reason she supported the motion to change fees to \$1.25 and \$1.00 Citywide was so this proposal could be dropped and it was a good compromise, so she will vote against this.

Councilor Coviello stated that this would not start until noon time so church services would be over, and if we take into consideration Christian services, wouldn't we also have to be concerned with Jewish services on Saturdays and Muslim services, etc. He stated that there are no parking spaces to be found on Sundays because people are parking there and staying there until Monday morning.

Councilor Spear agrees with Councilor Coviello and stated that stores used to be closed on Sundays, but now they are out shopping and there is no turnover downtown as there is on Saturdays.

Councilor Lister disagrees and stated it is not right to have meters running on Sundays.

Motion passed on a 5-3 roll call vote. Mayor Ferrini, Councilors Lister and Kennedy voted opposed.

- E. Second Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.101 – Definitions and Section 7.105 – Variable Parking Rates (Downtown Parking Omnibus) to create special parking districts with individual rates.

Councilor Spear moved to pass second reading and schedule a third and final reading on the proposed Ordinance amendment, as presented, for the May 2nd City Council meeting. Seconded by Councilor Dwyer.

Assistant Mayor Novelline Clayburgh stated she is opposed and feels this is going to be confusing.

Councilor Coviello stated he feels people will know what they are paying for as it is printed on the ticket.

Councilor Hejtmanek asked Jon Frederick to confirm that the variable rate is used in Manchester. Jon Frederick stated that along the main street the rates are higher than the peripheral streets and has been in affect for two years.

Councilor Spear asked if there is any flexibility if a person gets a fine if they use their ticket in the wrong zone. City Manager Bohenko stated they can appeal.

Councilor Kennedy stated almost everyone thinks this is a bad idea and is confusing.

Councilor Dwyer stated that the pay and display meters were confusing at first but now people are used to them and they are used in other towns as well. She stated that scarcity of parking is an issue and we should hang up our “Walkable City” description because no one can park here and walk around.

Councilor Coviello moved to suspend the rules to allow the meeting to go past 10:00 p.m. Seconded by Councilor Kennedy and voted.

Motion passed on a 5-3 roll call vote. Assistant Mayor Novelline Clayburgh, Councilors Lister and Kennedy voted opposed.

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

Assistant Mayor Novelline Clayburgh moved to pass third and final reading of the proposed ordinance as presented. Seconded by Councilor Spear and voted.

Councilor Coviello moved to suspend the rules to take action on IX.B. for a Third and Final Reading. Seconded by Coucilor Spear and voted on an 8-0 roll call.

Third and Final Reading of Proposed Amendment to Chapter 7, Article I, Section 7.1 – Parking Meters (Downtown Parking Omnibus) – Section 7.102 Parking Meter Zones at metered spots upon street and meter parking lots shall be increased to \$1.00 per hour with maximum time permitted for parking of two (2) hours. Section 7.105 – Parking – All on-street metered parking shall be increased to \$1.00 per hour for a maximum of two hours.

Councilor Spear moved to pass the Third and Final Reading of Proposed Amendment, as presented. Seconded by Councilor Lister and voted on a 6-2 vote. Assistant Mayor Novelline Clayburgh and Councilor Kennedy voted opposed.

G. Adoption of Proposed Resolutions Appropriating Funds for the Construction of a Youth Recreation Facility

- Resolution Appropriating The Sum of Five Hundred Twelve Thousand, Seven Hundred Dollars and Fifty-eight cents (\$512,700.58) from the premium the City received from the sale of its \$17,300,000.00 General Obligation Capital Improvement Bonds for Expenses Relating to the Construction of a Youth Recreation Facility

Councilor Dywer moved to adopt the Resolution in the amount of Five Hundred Twelve Thousand, Seven Hundred Dollars and Fifty-eight cents (\$512,700.58), in accordance with the Resolution. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Spear asked the City Manager if there is an assessed market value to the Connie Bean Center. City Manager Bohenko stated it is listed at approximately \$1.8 million by the Assessor currently as a public building, but the actual market value is \$2.9 million. Councilor Spear continued that there is the concern to not go forward with the new gym because of the economic times, but when the Connie Bean Center is sold we will be getting the gym at no cost and it will be generating tax revenue. He stated this is a winner from a financial standpoint. He asked City Manager Bohenko to present options with going forward on the disposition of the Connie Bean Center for this Council to act on.

Councilor Kennedy asked if we have the option to sell the Connie Bean building. City Manager Bohenko stated yes. Councilor Kennedy stated she feels there are too many things that still haven't been resolved and we also have the Doble Reserve which may be able to be used as a gym.

Councilor Coviello stated he initially had concerns of why not to do this, but the other gyms that have been mentioned are all used to capacity and we are just moving the Connie Bean Center down the road to another facility, not adding another gym. He stated that selling the Connie Bean building will pay for it, but understands that there is some history with previous Councils earmarking money and another Council not abiding by that decision and is why he proposed finding new revenue for this project.

Councilor Dwyer clarified that we are not taking out a bond for this. Secondly she stated that the most consistent concern has been about the need for this facility and the usage of the current facilities and she has been pleased to learn just how active the kids in Portsmouth are. She stated she also feels that parents will be pleased over the next 50 years to know there child can go to the Middle School, the public library and recreation facility all on one campus.

Councilor Hejtmanek stated he had been ambivalent about this but feels it is clear that the Connie Bean Center is at the end of its useful life within the next 5 years and then it will still need to be replaced. He stated we can do it now as a part of the Middle School project and if the Connie Bean building is sold, then no money will have been spent on the new facility.

Councilor Lister moved the question.

Assistant Mayor Novelline Clayburgh asked if there needs to be a formal statement made in terms of moving forward with the disposition of the Connie Bean Center. City Manager Bohenko stated that for the disposal of any City property, it has to be referred to the Planning Board for a report back. Assistant Mayor Novelline Clayburgh continued that the new facility will be the new Connie Bean Center and will carry all of the same programs. She stated it will also help with our workforce housing by encouraging young people to come here with their families.

Mayor Ferrini passed the gavel to Assistant Mayor Novelline Clayburgh.

Mayor Ferrini stated that he appreciates that this has been a difficult decision and the way the Council has been able to vocalize these differences respectfully.

Assistant Mayor Novelline Clayburgh returned the gavel to Mayor Ferrini.

Motion voted on a 7-1 roll call vote. Councilor Kennedy voted opposed.

- Resolution Authorizing a Supplemental Appropriation from Undesignated Fund Balance for necessary expenditures for the Construction of a Youth Recreation Facility. The City Council has determined that the sum of One Million Eight Hundred Thousand (\$1,800,000.00) Dollars be Appropriated to pay a portion of the costs of the Construction of the Youth Recreation Facility

Councilor Dwyer moved to adopt the Resolution in the amended amount of One Million Six Hundred Fifty Thousand (\$1,650,000) Dollars in accordance with the Resolution. Seconded by Councilor Hejtmanek and voted on a 7-1 roll call. Councilor Kennedy voted opposed.

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Acceptance of Donation for USS Virginia
- Cynthia A. and Robert J. Lister - \$110.00
(Anticipated action – move to accept the donation for the USS Virginia, as listed)
- B. Letter from Peter Somssich requesting permission to hold the 2nd Annual Portsmouth Peace Treaty Parade on Sunday, September 25, 2011 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Jay Diener, Co-Race Director, requesting permission to hold the 6th Annual Half Marathon on Sunday, November 13, 2011 ***(Anticipated action – move to refer to the City Manager with power)***

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

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Youth Recreation Facility Correspondence
- Bob Vaccaro
 - Joel Look
 - Todd Henley

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

- B. Letter from Stephen Alie regarding downtown parking system

Councilor Coviello moved to accept and place the letter on file. Seconded by Assistant Mayor Novelline Clayburgh and voted.

- C. Letter from Mike Young, President of Rockland Street Baseball (Portsmouth Babe Ruth) requesting approval to install signage at Leary Field for the 2011 Baseball Season

Councilor Coviello moved to refer to the Recreation Board for report back. Seconded by Assistant Mayor Novelline Clayburgh and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. Report Back Re: 54 Rogers Street

City Attorney Sullivan reviewed the background of this issue.

Councilor Kennedy moved to accept the recommendations of the Planning Board and School Board, as presented in the City Manager's Comments and authorize the City Manager to proceed with the release of the City's disputed claim to the parcel based upon the appraised value of that claim, which is anticipated to be approximately \$1,282.00 (641 square feet at \$2.00 per square foot. Seconded by Councilor Coviello and voted.

2. Request for Approval of Pole License #63-0498

Councilor Dwyer moved to approve the request from PSNH for pole license agreement, #63-0498, as recommended by the Public Works Department. Seconded by Assistant Mayor Novelline Clayburgh and voted 7-0. Councilor Coviello abstained.

3. Report Back Re: Red Eft Project

Councilor Kennedy moved to refer this matter to the City Manager with power. Seconded by Assistant Mayor Novelline Clayburgh.

Councilor Coviello asked if this is a part of Art Speak because it is in some of the same locations. City Manager Bohenko replied no, but Art Speak has reviewed it.

Motion passed.

4. Request for a License from Mark Tremontana, owner of The Upper Crust for property located at 41 Congress Street to install a projecting sign

Councilor Kennedy moved to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Mark Tremontana, owner of The Upper Crust to install a projecting sign on an existing bracket at 41 Congress 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
2. Upcoming Budget Work Sessions
3. Report Back Re: Safe Routes to School Projects
4. Work Session for Census Update and Workforce Housing
5. Report Back Information Request Re: Financing Options for Worth Garage

City Manager Bohenko reviewed the informational items.

Councilor Dwyer asked if Safe Routes is still a grant program. City Manager Bohenko stated yes, but we have to finish up what we already have.

City Manager Bohenko stated that Senator Stiles has forwarded information regarding an upcoming Job Fair at the Great Bay Community College. He also stated that Piscataqua Landscapers will be donating their efforts on Earth Day by working on Hanscom Park in Atlantic Heights. He stated that this is a great thing being done by Justin Gamester once again this year.

Councilor Spear thanked the City Manager for the updates and stated that he will not be attending the Fire/Police Budget Work Session on April 27, 2011. Assistant Mayor Novelline Clayburgh stated she will also be out of town that week.

B. MAYOR FERRINI

1. Appointments to be Considered:
 - John Gregg – Reappointment to the Cable Television & Communications Commission
 - Allison Tanner – Reappointment to the Conservation Commission
 - Barbara McMillan – Reappointment to the Conservation Commission
 - Steve Miller – Reappointment to the Conservation Commission
 - Philip Cohen – Appointment to the Economic Development Commission

Mayor Ferrini stated these appointments will be voted at the May 2, 2011 City Council meeting.

2. *Reports – (There were not reports)

C. COUNCILOR LISTER

1. Single-payer Health Care

Councilor Lister stated this is a follow-up to the letter recently received by the Council from Dr. Clairmont which the City Manager has forwarded to our Legislative Delegation. He stated he appreciates Dr. Clairmonts' information and stated the meeting recently held at the library was very well attended. He asked if we could ask the Legislative Delegation for a report back. City Manager Bohenko stated this is a national issue so we would want our Congressional Representatives to report back to us.

D. COUNCILOR DWYER

1. *Update on Middle School

Councilor Dwyer reported that on March 24th the Construction Management Plan was unveiled. She stated that the meeting was well attended by the neighborhood and there were good questions and good answers given. She stated that the meeting was also well attended by City staff. She stated that Principal Stokel also held the information meeting for incoming 6th graders earlier than usual so that the parents could be informed of the new construction. She stated that so far 34 meetings have been held and they are still looking for \$8,000.00 - \$9,000.00 in savings. She stated they are planning a groundbreaking for sometime before the school year ends to be able to include the kids. She stated the teachers will begin parking in the Parrott Avenue Lot in designated spaces on May 2nd and will have decal stickers on their vehicles. She stated that people can keep up with the progress on the City website.

Mayor Ferrini thanked the members of the JBC stating there are long hours that go into this effort.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Kennedy stated that they had a great turnout for the clean-up day at Peirce Island with Boy Scouts and others cleaning leaves, cigarette butts, etc. She stated it was a great kick-off to Earth Day.

Councilor Coviello asked the City Manager to confirm that there is a free parking option during snow emergency bans at the parking Garage. City Manager Bohenko stated there is a flat rate of \$2.00 charged during the emergency ban time period.

Councilor Coviello also asked the City Manager to clarify the Council "free parking" that was referred to during the public hearing. City Manager Bohenko stated that if the Council is on City business, they have a parking pass to use for that purpose when in the downtown, other than that there is no free parking for City Council members.

Assistant Mayor Novelline Clayburgh asked if there needs to be a formal request made to refer the Connie Bean Center to the Planning Board. City Manager Bohenko stated he will have it on the May 2, 2011 City Council Agenda.

Assistant Mayor Novelline Clayburgh also congratulated Janet Parkinson, wife of Public Works Director Steve Parkinson, on running her 16th Boston Marathon.

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

Councilor Coviello moved to adjourn at 10:50 p.m. Seconded by Councilor Kennedy and voted.

Respectfully submitted:

Valerie A. French,
Deputy City Clerk I