

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, SEPTEMBER 1, 2009

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

At 6:15 p.m. an Anticipated "Non-Meeting" with Counsel was held regarding Negotiations – RSA 91-A:2, I (b-c).

I. CALL TO ORDER

Mayor Ferrini called the meeting to order at 7:15 p.m.

II. ROLL CALL

Present: Mayor Ferrini, Assistant Mayor Blalock, Councilors Novelline Clayburgh, Dwyer, Smith, Kennedy, Spear, Pantelakos and Hejtmanek

III. INVOCATION

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

IV. PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

1. 2009 NH State Champion Little League Team

State Representative Jacqueline Cali-Pitts presented the Little League Team with a Proclamation in recognition of their 2009 NH State Championship title. Mayor Ferrini presented Mayor's Awards and t-shirts to the players and coaches for their outstanding season.

2. 2009 NH State Champion Babe Ruth 13-year old Team

State Representative Jacqueline Cali-Pitts presented the Babe Ruth 13-year old Team with a Proclamation in recognition of their 2009 NH State Championship title. Mayor Ferrini presented Mayor's Awards and t-shirts to the players and coaches for their outstanding season.

3. Proposed Amendment to Building Code Ordinance – Richard Hopley, Chief Building Inspector

Chief Building Inspector Hopley provided a presentation on proposed amendments to the Building Code Ordinance. He advised the City Council that he would be looking for authorization to bring the ordinances back for first reading at the September 14, 2009 City Council meeting. He spoke to Chapter 5, Chapter 12 and Chapter 15 which make up the various building codes. Building Inspector Hopley addressed the key technical changes to the codes.

Councilor Spear moved to establish first reading of these amendments for the September 14, 2009 City Council meeting. Seconded by Assistant Mayor Blalock and voted.

Councilor Spear asked what codes are affected. Building Inspector Hopley said the International Energy Code is a reference code in the Building Code. Also, the Life Safety Code is adopted at the State level with references as well as the Electrical Code.

Councilor Spear suggested that the Sustainability Practices Blue Ribbon Committee receive a presentation on these proposed amendments. Councilor Dwyer agreed and requested that the Planning Board also receive the presentation. Councilor Dwyer asked what type of forum is provided for contractors to participate in the process. City Manager Bohenko responded once the code is adopted Building Inspector Hopley will gather the contractors for a review of what has been adopted.

Councilor Smith suggested that the Building Code Board of Appeals review these proposed amendments.

Motion passed.

V. ACCEPTANCE OF MINUTES – AUGUST 3, 2009; AUGUST 10, 2009 AND AUGUST 17, 2009

Councilor Pantelakos moved to approve and accept the minutes of the August 3, 2009; August 10, 2009 and August 17, 2009 City Council meetings. Seconded by Councilor Smith and voted.

VI. PUBLIC COMMENT SESSION

Gerald Howe, Police Commissioner, spoke to the 3 tentative Police Department contracts before the City Council for approval this evening. He advised the City Council that the Commission has worked diligently on these contracts and urged the Council not to reject the contracts as presented this evening.

John Golumb, Police Commissioner, spoke in support of the Police Department contracts and urged the City Council to approve them as presented.

Bill St. Laurent, Association of Portsmouth Taxpayers, thanked the Police Unions for inviting the Association to review the contracts. He spoke in support of the retroactive health care increase contributions and no cost of living adjustment for FY10.

John Russo, Police Commissioner, said the Commission has worked hard over the last 18 months in negotiating the 3 Police Department contracts before the Council this evening. He urged the City Council to adopt these fair contracts as presented.

Dave Ferland, Police Chief, said it has been 18 months of negotiating these contracts. He urged the City Council to adopt the contracts as presented.

Erik Anderson spoke to the open process used by the Police Unions for these proposed contracts. He said there are positive aspects to the contracts but there are issues such as outside details that are of concern.

Heather Sneff expressed her opposition to Mr. Loechler playing his hammered dulcimer outside of her business 7 to 8 hours per day. She advised that Council that she and the neighbors have tried to discuss this matter with Mr. Loechler and he is unwilling to come to a resolution.

Andy Gagnon spoke opposed to the request for a Sidewalk Obstruction License for Mr. Loechler to play his hammered dulcimer. He advised the Council that Mr. Loechler plays for hours 7 days a week and asked the Council to give the residents some relief.

Rachel Forest spoke opposed to granting a license to Mr. Loechler to play the hammered dulcimer. She said there are times when she and others need to step off of the sidewalk into the street due to the large number of people gathered to listen to Mr. Loechler play. She expressed concerns relative to safety issues and said there needs to be some consideration for the businesses and residents in the area.

Tim Cashman, Police Detective, spoke to the sacrifices police officers make and continue to make and said the contracts presented are fair. He respectfully requested the City Council to approve the 3 contracts as presented this evening.

Corey MacDonald, Police Captain, spoke to the negotiating of these contracts with the City over the last 18 months. He said there were 4 goals to meet to better allow the City to reach financial stability. Captain MacDonald advised the City Council that the increases in the contracts are based on incentives. He asked the City Council to adopt the contracts based on the real numbers.

Eric Kinsman, Police Department, spoke to the 18 months of negotiations and the shifts in the guidelines and goals over the process. He addressed the various items of the contract, one being giving officers 8 hours of comp time for training without getting overtime pay. He asked the City Council to adopt the contracts as presented.

Tim Black, President of Local 11 Police Union, said that the contract has fair measurable concessions. The Police Department provides 24 hour service 7 days a week. He spoke to the matrix report on overtime and how Portsmouth compares with other communities. Officer Black urged the support of the contracts by the Council.

Peter Egelston said it is important for the City Council to weigh the rights of musicians with the rights of property owners and residents. He said that public safety is a concern for the area where Mr. Loechler is playing his hammered dulcimer. The constant playing of this instrument is affecting the quality of life for the businesses owners and residents of the area.

Assistant Mayor Blalock move to suspend the rules in order to take up Items XI. A.1. – XI. A-3. - Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Patrolman's Union; Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Civilian Employees Association; and Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers Association. Seconded by Councilor Pantelakos and voted.

XI. A.1. Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Patrolman's Union

Councilor Smith moved to accept the contract, as presented. Seconded by Councilor Pantelakos.

Councilor Smith said the matrix report clearly states that overtime is not a major problem and spoke to all the various things that the Police Department does.

Assistant Mayor Blalock said he agrees with comments made by Councilor Smith in looking at the contract and the Police Department is unique as it is a 24/7 service. It is important to remember that no one will get everything they want and the department manages their overtime very well.

Councilor Dwyer said she respects the points made by the department. She said the contract does not meet the guidelines of the City Council and the overtime concessions were not met. She spoke to the additional steps in the contract and said it does not balance out with the City Council needs.

Councilor Pantelakos said that the Police Department handles and monitors overtime very well and feels that the Council should accept the contract as presented.

Councilor Kennedy said she agrees with Councilor Dwyer that the Police Department has come a long way but the one item the City Council was looking for was overtime. She said it sounds like a small amount but she feels it needs to be addressed.

Councilor Hejtmanek concurred with Councilors Dwyer and Kennedy and said not all items will be met in contract negotiations. He said that shift differentials and steps are very costly and more negotiations are necessary.

Assistant Mayor Blalock said we need to think about what we ask these officers to do for us. In order to provide the services we want we need to have an elite staff.

Councilor Novelline Clayburgh thanked the Police Department for all their hard work. She said she would support the contract and feels that both sides have worked together. She said compromises are necessary and she is torn on this decision but would support the contract.

Mayor Ferrini passed the gavel to Assistant Mayor Blalock.

Mayor Ferrini said he agrees with all the comments made, pro and con. He informed the Council that he would vote opposed to the contract but feels that great concessions have been made. The City has been well served and the Council and unions are close to a decision.

Assistant Mayor Blalock returned the gavel to Mayor Ferrini.

On a roll call vote 4-5 motion to accept the contract, as presented ***failed*** to pass. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith and Pantelakos voted in favor. Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted opposed.

- XI. A.2. Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Civilian Employees Association

Councilor Smith moved to table the contract for action by the Police Civilian Employees Association Union. Seconded by Councilor Pantelakos and voted.

- XI. A.3. Proposed Tentative Agreement between the Portsmouth Police Commission and the Portsmouth Police Ranking Officers Association

Assistant Mayor Blalock moved to accept the contract, as presented. Seconded by Councilor Smith.

Assistant Mayor Blalock said he feels this is a fair contract and the concessions made were adequate.

Councilor Smith echoed the comments made by Assistant Mayor Blalock and said the contract may not be perfect but it is as close as we will get.

On a roll call vote 4-5 motion to accept the contract, as presented ***failed*** to pass. Assistant Mayor Blalock, Councilors Novelline Clayburgh, Smith and Pantelakos voted in favor. Councilors Dwyer, Kennedy, Spear, Hejtmanek and Mayor Ferrini voted opposed.

VII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Homeland Security Grant Program Award to the Portsmouth Fire Department - \$11,279.00

Councilor Smith moved to approve and accept the grant to the Portsmouth Fire Department, as listed. Seconded by Councilor Pantelakos and voted.

- B. Acceptance of Grant from the Office of Juvenile Justice and Delinquency Prevention for the ARRA CAC Task Force Program to the Portsmouth Police Department - \$475,306.00

Councilor Pantelakos moved to approve and accept the grant to the Portsmouth Police Department, as listed. Seconded by Councilor Novelline Clayburgh and voted.

- C. Acceptance of Donations for the Explorer Cadet Post
- Charitable Division of the Rotary Club - \$3,000.00
 - Portsmouth Crimeline, Inc - \$1,000.00
 - Tech Enterprise - \$75.00

Councilor Pantelakos moved to approve and accept the donations to the Portsmouth Police Department, as listed. Seconded by Councilor Smith and voted.

- D. Acceptance of Donation to the PAL Summer Basketball Program from the Strider Sulley family - \$25.00

Councilor Kennedy moved to approve and accept the donation to the Portsmouth Police Department, as listed. Seconded by Councilor Pantelakos and voted.

- E. Acceptance of Donation from Betty LaBranche Real Estate, Inc. to National Night Out 2009 - \$50.00

Councilor Smith moved to approve and accept the donation to the Portsmouth Police Department, as listed. Seconded by Councilor Novelline Clayburgh and voted.

- F. Acceptance of Grant from the NH Highway Safety Agency for the Portsmouth SMART Radar Trailer - \$6,000.00

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

- G. Acceptance of Grant from the NH Highway Safety Agency for the Portsmouth Laser Radar Speed Control Program - \$1,635.00

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

- H. Acceptance of Grant from the Office of Justice Program for Internet Crimes Against Children Task Force Program - \$215,000.00

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

- I. Acceptance of Donation to the summer PAL Basketball Program
- Portsmouth Detective Rochelle Jones - \$100.00
 - Ms. D. Bushe - \$10.00

Councilor Smith moved to approve and accept the donations to the Portsmouth Police Department, as listed. Seconded by Councilor Novelline Clayburgh and voted.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

There are no items under this section of the Agenda

IX. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE CONSENT AGENDA

- A. Letter from Pawn Nitichan and Taylor Ferguson, City Year New Hampshire, requesting permission to hold the 2009-2010 City Year New Hampshire Opening Day on Thursday, October 1, 2009, from 12:00 p.m. to 1:30 p.m. in Market Square ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Nicole Gregg, New Hampshire Film Festival, requesting permission to use the Connie Bean Center gymnasium and lobby for the NH Film Festival October 15, 2009 – October 18, 2009 ***(Anticipated action – move to refer to the City Manager with power)***
- C. Renewal of Sidewalk Obstruction Licenses with no changes from last year
- Choozy Shooz / Le Club Boutique – 1 A-Frame sign
 - 3 West Provisions, Inc. – 1 A-Frame sign

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

Councilor Smith moved to adopt the Consent Agenda. Seconded by Councilor Dwyer and voted.

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Michael Harvell and Patricia Lynch, The Music Hall, requesting that a section of Chestnut Street in front of the theater (between Congress Street and Porter Street) be renamed Music Hall Way (***Sample motion– move to refer to the Planning Board for report back***)

Councilor Smith moved to refer to the Planning Board for report back. Seconded by Assistant Mayor Blalock and voted.

- B. Letter from Brian Codagnone, The Sports Museum at TD Garden in Boston, requesting permission to explore the possibility of establishing a maritime museum in the South Meeting House (***Sample motion – move to refer to the City Manager for report back***)

Councilor Smith moved to refer to the City Manager for report back. Seconded by Councilor Pantelakos and voted.

- C. Sidewalk Obstruction License Request of Robert Loechler

Councilor Pantelakos moved to deny the request. Seconded by Councilor Smith.

Councilor Pantelakos said based on the comments made during the Public Comment Session she feels the request should be denied and approving this license would set a precedent.

Councilor Kennedy asked if there is a way to set up temporary lengths of time for Mr. Loechler to perform. City Attorney Sullivan said the Council has the authority to grant the obstruction and could establish regulations of times and locations for this license.

Assistant Mayor Blalock spoke opposed to the motion. He said he does not feel the intent of the request is based on the actual playing of music. Assistant Mayor Blalock said he views Mr. Loechler as a street performer. He also said he would support the Council waiving the insurance requirements as requested by Mr. Loechler.

Councilor Smith said he supports street performers and there are locations for this type of event at the Vaughan Mall. He said he could not support the waiver for the insurance requirements.

Councilor Kennedy moved to send the request to the City Manager for a report back with a recommendation for a possible location and time for this activity to occur. Seconded by Councilor Novelline Clayburgh.

City Attorney Sullivan said Councilor Kennedy's motion is not an amendment and would need to be voted on first.

Assistant Mayor Blalock spoke to the uniqueness and cultural flavor of the City and feels we should not regulate the character of the City.

Councilor Pantelakos said she is willing to withdraw the motion to deny. Councilor Smith said he would withdraw his second to the motion if Councilor Pantelakos wants to move forward in withdrawing her motion.

Councilor Kennedy said she is looking for an answer with information on appropriate locations and times for this type of activity.

City Manager Bohenko said that this is a difficult issue for the staff to deal with overall in general. He said that this individual comes every day and sets up and plays his music for hours. City Manager Bohenko said he feels that Mr. Loechler is really operating a business. It is important to look beyond the request and he would work with the staff to look at long term issues as it relates to individuals that play music in the downtown. He said it is possible that it would be a limited license for a limited time. He informed the City Council that it may take 30-60 days for the report back.

Assistant Mayor Blalock and Councilor Spear voted opposed to sending the request to the City Manager for a report back with a recommendation of a possible location and time for this activity to occur.

Main motion passed with Assistant Mayor Blalock and Councilor Novelline Clayburgh voting opposed.

At 9:35 p.m., Mayor Ferrini declared a brief recess. Mayor Ferrini called the meeting back to order at 9:45 p.m.

4. Proposed Work Session with the Trustees of the Trust

City Manager Bohenko advised the City Council that Councilor Pantelakos has concerns about the manner in which Prescott Park Arts Festival collects donations. Councilor Pantelakos discussed her concerns with the Trustees of the Trust at their August meeting.

After the Trustees and Councilor Pantelakos had discussed the matter for some time both she and the Trustees agreed that a Work Session should be scheduled at which the Trustees could provide the City Council with a complete update on Trustee matters, including the relationship between the Trustees and Prescott Park Arts Festival, the donation issue and the general financial standing of the funds under control of the Trustees.

Councilor Smith moved to establish a work session prior to the regular meeting on Monday, October 19, 2009 regarding this matter. Seconded by Councilor Dwyer.

Councilor Dwyer said she would also like to discuss vending activities at Prescott Park as well.

Motion passed.

5. Request for Approval of Pole License Agreements #63-0467 and #63-0468

City Manager Bohenko advised the City Council that these requests have been reviewed by the Public Works Department and they recommend approval of the licenses.

Councilor Smith moved to approve these requests from PSNH for Pole License Agreements #63-0467 and #63-0468, as recommended by the Public Works Department. Seconded by Councilor Spear and voted.

6. Request for a License from Ted Mountzuris of The Page for property located at 172 Hanover Street to install a projecting sign

Councilor Pantelakos moved to accept the recommendation of the Planning Board with the aforementioned stipulations:

- a) to recommend ***against*** approval of a license unless and until the Board of Adjustment grants a variance to allow the aggregate sign area to exceed the maximum for the lot; and
- b) to recommend that if a license is approved, the projecting sign may only be illuminated by external illumination

Seconded by Councilor Kennedy and voted.

7. Request for a License from Samantha Finigan and Whitney, co-owners of Gus & Ruby Letterpress, LLC for property located at 206 Market Street to install a projecting sign

Councilor Smith moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Samantha Finigan and Whitney, co-owners of Gus & Ruby Letterpress, LLC to install a projecting sign at 206 Market Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Kennedy and voted.

Planning Board Stipulations:

- a) The license shall be approved by the Legal Department as to content and form;
- b) Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and
- c) 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

8. Request for a License from Jason Scott for property located at 78 Congress Street to install a projecting sign

Councilor Novelline Clayburgh moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Jason Scott to install a projecting sign at 78 Congress Street and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Pantelakos and voted.

Planning Board Stipulations:

- a) *The license shall be approved by the Legal Department as to content and form;*
- b) *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- c) *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*

9. Request for a License from Benjamin Nutter Architects for property located at 10 Commercial Alley, Suite 3 to install a projecting sign

Councilor Novelline Clayburgh moved to accept the recommendation of the Planning Board with the aforementioned stipulations and approve the request of Benjamin Nutter Architects to install a projecting sign at 10 Commercial Alley, Suite 3 and further authorize the City Manager to execute a License Agreement for this request. Seconded by Councilor Smith and voted.

Planning Board Stipulations:

- a) *The license shall be approved by the Legal Department as to content and form;*
- b) *Any removal or relocation of the projecting sign, for any reason, will be done at no cost to the City; and*
- c) *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*

10. Report Back Re: Donation of Conservation Land on Banfield Road

City Manager Bohenko advised the City Council that this matter was referred to the Planning Board for report back and the Board is recommending the Council accept the donation of the conservation land on Banfield Road.

Councilor Pantelakos moved to accept the recommendation of the Planning Board to accept the donation of the conservation land on Banfield Road. Seconded by Councilor Hejtmanek and voted.

11. Request for Special City Council Meeting on Monday, September 21, 2009

City Manager Bohenko requested the City Council establish a special meeting for Monday, September 21, 2009. He reported that the entire City Council special meeting would be a non-meeting with counsel for the purpose of negotiations as it relates to the recently executive consent decree.

Councilor Smith moved to establish a Special City Council meeting on Monday, September 21, 2009 to commence at 6:30 p.m. in Conference Room A. Seconded by Councilor Pantelakos.

Councilor Spear announced that he would be away and unable to attend the meeting. He requested to receive a briefing on the matter upon his return.

Motion passed.

12. Proposed Stimulus Grant Re: Water System Improvements totaling \$55,000.00

City Manager Bohenko announced that the City of Portsmouth's Water Division is requesting to participate in the American Recovery and Reinvestment Act (ARRA) and State Revolving Fund (SRF) loan program for two water conservation projects. These projects are included in the FY10 Water Division's operating budget and totaling \$55,000.

He said the American Recovery and Reinvestment Act provides 50 percent grant for eligible green projects through the State Revolving Loan Fund program. Even though these projects were included in the FY10 operating budget for the Water Division, the State requires the City utilize the SRF loan program to get the \$27,500 in grant money. Currently the SRF interest rate for a five year loan is 1.17 percent. The loans will be immediately paid off at the completion of the projects with no long-term debt to show on the City's books.

These projects are part of the Water Division's on-going conservation efforts. In 2008, unaccounted for water was 24 percent of the water produced. The proposed \$15,000 leak detection equipment ARRA/SRF grant/loan will pay for the purchase of the leak detection equipment. This equipment will be used to pin point leak locations so Water Division crews will be able to target their water line repair and maintenance efforts.

City Manager Bohenko said the \$40,000 ARRA/SRF grant/loan for rain barrels is a follow-up to the water conservation kit program. The Water Division will be providing rain barrels to home owners at a reduced price. This effort will empower homeowners to reduce water used for irrigation and reduce peak demand on the water system.

He said as stated above, both projects are included in the FY10 Water Division operating budget. However, since the grant money is disbursed through the SRF loan program, it is necessary to have Council authorization for the loans. The authorization for the loans would require two readings and a public hearing to take place on September 14th and October 5th.

Councilor Dwyer moved to authorize the City Manager to bring back for first reading the aforementioned SRF grant at the September 14, 2009 City Council meeting. Seconded by Councilor Pantelakos and voted.

B. MAYOR FERRINI

1. Request to Expand Membership of Safe Routes to School Committee

Mayor Ferrini announced that the Safe Route to School Committee would like to create 3 additional positions that would be at-large.

Councilor Novelline Clayburgh moved to accept the recommendation of the Safe Routes to School Committee to create three at-large positions. Seconded by Councilor Dwyer.

Councilor Smith said he would not support the motion because he does not feel the Committee should be made larger.

Councilor Novelline Clayburgh said she does not know the reason for the at-large positions and feels it would be important to get that information before proceeding forward.

On a roll call vote 4-5 motion to accept the recommendation of the Safe Routes to School Committee to create three at-large positions ***failed*** to pass. Councilor Novelline Clayburgh, Dwyer, Spear and Mayor Ferrini voted in favor. Assistant Mayor Blalock, Councilors Smith, Kennedy, Hejtmanek and Pantelakos voted opposed.

2. Appointments to be Considered:

- Ryan Baker – Appointment to Citywide Neighborhood Steering Committee
- James Horrigan – Reappointment to Conservation Commission
- George Melchior – Reappointment to Historic District Commission (Alternate)
- Calvin Couch – Reappointment to Housing Endowment Fund Advisory Board
- Jeff McLean – Appointment to Portsmouth Economic Development Loan Program
- Joli Foucher – Appointment to Safe Routes to School (At-Large member)
- Drew Martin – Appointment to Blue Ribbon Committee on Sustainable Practices
- Brett Pasinella – Appointment to Blue Ribbon Committee on Sustainable Practices

The City Council considered the above referenced appointments which will be voted on at the September 14, 2009 City Council meeting. Mayor Ferrini withdrew Joli Foucher based on the previous vote regarding expansion to membership of Safe Routes to School Committee.

3. Resignation – Everett Eaton from PEDLP

Councilor Smith moved to accept with regret the resignation of Everett Eaton from PEDLP. Seconded by Councilor Pantelakos and voted.

Councilor Smith requested that a letter be sent to Mr. Eaton in recognition of his years of service to the PEDLP Committee.

4. Reports

Mayor Ferrini announced that the composition of the Middle School Joint Building Committee will be three School Board Members, three City Council Members, one representative from the Library and two Public Members. Application forms for the Public Members are available at the City Clerk's Office or online at www.cityofportsmouth.com. Mayor Ferrini and School Board Chair Shuldman request that applicants submit a resume or curriculum vitae. Applications will be accepted at the City Clerk's Office until 4:30 p.m. on Wednesday, September 9, 2009. He informed the City Council that final candidates' names will be presented to the School Board at its September 22, 2009 meeting and the City Council at its October 5, 2009 meeting.

C. COUNCILOR SMITH

1. Parking Committee Action Sheet and Minutes of the August 13, 2009 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the Parking Committee August 13, 2009 meeting. Seconded by Assistant Mayor Blalock.

Councilor Smith advised the City Council that Item 2 is relative to Washington Street which will require an ordinance change. The request will be for No Parking on Washington Street both sides of street from Hancock to Howard and maintain the area that extends to Pleasant Street for parking.

Councilor Smith also addressed the valet parking for Agave and the Common Man Restaurants as well as the Music Hall for a 90 day trial period.

Councilor Kennedy advised the City Council that she would oppose the motion.

Councilor Kennedy expressed concern relative to the number of signs being used by Atlantic Valet Service in the downtown area. City Manager Bohenko said that this issue can be reviewed through the Parking Committee.

Councilor Kennedy asked how many parking spots would be lost on Washington Street. Councilor Smith said he believes it is 2 spaces and it is due to the construction in the area.

Councilor Kennedy said she would like to know how many parking spaces we have lost in the last 5 years.

Motion passed with Councilor Kennedy voting opposed.

D. COUNCILOR SPEAR

1. Proposed Amendment to Taxi Ordinance

Councilor Spear advised the City Council that this amendment would establish a specific time of year when inspections need to take place for the taxicabs.

Councilor Spear moved to bring back Proposed Amendment to Section 7.210 – Permits and Inspections Required of the Taxi Ordinance for first reading at the September 14, 2009 City Council meeting. Seconded by Assistant Mayor Blalock and voted.

2. Request to Establish a Work Session on Parking Master Plan

Councilor Spear said a parking study was conducted several years ago and things were reviewed on a broad spectrum. He requested to schedule a work session to look at the parking holistically with a presentation later this fall.

City Manager Bohenko suggested conducting a work session on November 16, 2009 prior to the regular City Council meeting at 6:00 p.m.

Councilor Spear moved to hold a Work Session prior to the November 16, 2009 City Council meeting at 6:00 p.m. regarding the Parking Master Plan. Seconded by Councilor Novelline Clayburgh.

Councilor Dwyer said that the Planning Board should be in attendance at this work session.

City Manager Bohenko said that this date could be tentative due to other issues that may need to be addressed.

It was suggested that the Economic Development Commission also be in attendance at the Work Session.

Councilor Pantelakos suggested possibly holding the Work Session on a separate evening from a regular Council meeting.

Motion passed.

XII. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Smith requested City Manager Bohenko provide a list of all surplus municipally owned buildable land.

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

At 10:30 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Pantelakos and voted.

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

Kelli L. Barnaby, CMC/CNHMC
City Clerk