

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 4, 2011 TIME: 7:00PM

AGENDA

- 6:00PM – ANTICIPATED “NON-MEETING” WITH COUNSEL REGARDING LITIGATION–RSA 91-A:2 I (c)

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

II. ROLL CALL

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. ACCEPTANCE OF MINUTES – MARCH 21, 2011

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

VIII. APPROVAL OF GRANTS/DONATIONS

- A. Acceptance of Police Department Grant in the amount of \$7,000.00 from the Working Dog Foundation (***Sample motion – move to approve and accept the grant to the Portsmouth Police Department, as listed.***)

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) (***Sample motion – move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 18th City Council meeting***)
- 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) (***Sample motion – move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 18th City Council meeting***)
- C. First Reading of Proposed Ordinance Amendment to Chapter 7, Various Limited Time Parking Sections – Sunday Hours (Downtown Parking Omnibus) (***Sample motion – move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 18th City Council meeting***)

- D. First Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.101 – Definitions and Section 7.105 –Variable Parking Rates. (Downtown Parking Omnibus) ***(Sample motion – move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance, as presented, for the April 18th City Council meeting)***
- E. Adoption of Proposed Resolution Appropriating Funds in the Sum of Seventy-Seven Thousand (\$77,000) Dollars for the Operation of the Fire Department. ***(Sample motion – move to adopt the Resolution for the sum of Seventy Seven Thousand (\$77,000) Dollars in accordance with the resolution)***
- F. Second Reading of Proposed Ordinance Amendment to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability ***(Sample motion – move 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.)***
- G. Third and Final Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.321, Sub-section G – Snow Emergency Parking Ban ***(Sample motion – move to pass third and final reading of the proposed ordinance, as presented.)***

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER TO ADOPT THE 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)***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Request for Renewal of Boarding House Permit for G. Edward Gowen Jr., 350-352 Hanover Street ***(Sample Motion – move to authorize the City Manager to issue the Boarding House Permit for G. Edward Gowen Jr., 350-352 Hanover Street.)***
- B. Request for Renewal of Boarding House Permit for Paul H. White & Janet White-Nay, 278 Cabot Street ***(Sample Motion – move 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.)***

- C. Request for Renewal of Boarding House Permit for Bach Realty, 21 Brewster Street
(Sample Motion – move to approve and authorize the City Manager to issue the annual Boarding House permit for 21 Brewster Street with the following conditions:
 - 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.)*
- 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. ***(Sample motion – move to refer to Art Speak for a report back)***
- 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 Exemption, Drive-Through Facilities as an accessory use to a permitted principal use in the Central Business A (“CBA”) Zone ***(Sample Motion – Move to refer to the Planning Board for a report back)***
- 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 ***(Sample Motion – Move to refer to the Planning Board for a report back)***
- G. Letter from Stephen R. Alie regarding Downtown Parking Fees.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

City Manager’s Items Which Require Action Under Other Sections of the Agenda

- 1. Consideration of First Reading of Proposed Ordinance Amendments:
 - 1.1 First Reading of Proposed Ordinance Amendment to Chapter 7, Article I, Section 7.1 – Parking Meters (Downtown Parking Omnibus) ***(Action on this matter should take place under Section IX of the Agenda)***
 - 1.2 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) ***(Action on this matter should take place under Section IX of the Agenda)***
 - 1.3 First Reading of Proposed Ordinance Amendment to Chapter 7, Various Limited Time Parking Sections – Sunday Hours (Downtown Parking Omnibus) ***(Action on this matter should take place under Section IX of the Agenda)***
 - 1.4 First Reading of Proposed Ordinance Amendment to Chapter 7, Section 7.101 – Definitions and Section 7.105 – Variable Parking Rates. (Downtown Parking Omnibus) ***(Action on this matter should take place under Section IX of the Agenda)***

2. Public Hearing and Adoption of Resolution:
 - 2.1 Public Hearing and 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 matter should take place under Section IX of the Agenda**)
3. Public Hearing/Second Reading of Proposed Ordinance Amendments:
 - 3.1 Public Hearing/Second reading of Proposed Ordinance Amendment to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability (**Action on this matter should take place under Section IX of the Agenda**)
4. Consideration of Third and Final Reading of Proposed Ordinance Amendments:
 - 4.1 Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban (**Action on this matter should take place under Section IX of the Agenda**)
5. Request for Renewal of Boarding House Permit for G. Edward Gowen Jr., 350-352 Hanover Street. (**Action on this matter should take place under Section XI of the Agenda**)
6. Request for Renewal of Boarding House Permit for Paul H. White and Janet White-Nay, 278 Cabot Street (**Action on this matter should take place under Section XI of the Agenda**)
7. Request for Renewal of Boarding House Permit for Bach Realty, 21 Brewster Street (**Action on this matter should take place under Section XI of the Agenda**)

City Manager's Items Which Require Action

1. Discover Portsmouth Center Re: Lease
2. Request for a Parking Lot Agreement Re: Middle Street Baptist Church
3. Report Back Re: Bike Racks
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.

Informational Items

1. Events Listing

B. MAYOR FERRINI

1. *Reports

C. ASSISTANT MAYOR NOVELLINE CLAYBURGH

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

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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

**Indicates Verbal Report*

INFORMATIONAL ITEMS

1. Notification that the Planning Board Minutes of February 17, 2011 meeting are available on the City's website for your review

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

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: March 31, 2011
To: Honorable Mayor Thomas G. Ferrini and City Council Members
From: John P. Bohenko, City Manager
Re: City Manager's Comments on April 4, 2011 City Council Agenda

6:00 p.m. – Non-meeting with counsel.

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

Acceptance of Grants/Donations:

1. **Acceptance of Police Department Grant.** [Attached under Section VIII of the Agenda is a memorandum](#), dated March 17, 2011, from Gerald W. Howe, Chairman of the Portsmouth Police Commissioners, and Police Chief David J. Ferland, requesting that the City Council approve the following grant:
 1. A grant in the amount of \$7,000 has been received from the Working Dog Foundation for the acquisition of a partially trained police dog for the Portsmouth Police K-9 Unit.

The Police Commission is submitting this information pursuant to City Policy Memorandum #94-36 for City Council approval and acceptance.

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

Items Which Require Action Under Other Sections of the Agenda:

1. Consideration of First Reading of Proposed Ordinance Amendments:

- 1.1 **First Reading of Amendments to Chapter 7 – Vehicles, Traffic Parking Omnibus Ordinances.** As requested by the City Council at the March 21, 2011 Downtown Parking Omnibus Work Session, I am bringing back for first reading four (4) parking ordinances under Section IX of the Agenda.

The total estimated annual revenue impact for the [attached proposed ordinance amendments](#) is \$604,025:

- a) **Chapter 7, Article 1, Section 7.1 – Parking Meters.** [Attached is a proposed Ordinance amendment](#) to Chapter 7, Article 1, Section 7.1 Parking Meters, specifically, under Section 7.102 – Parking Meter Zones and Section 7.105 – Parking, which increases the on-street parking rates to \$1.00 per hour. This rate is enforceable Monday through Saturday, from 9:00 a.m. to 7:00 p.m. The estimated annual revenue impact is \$189,120.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, as presented, for the April 18th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- b) **Chapter 7, Article IV, 7.402- Off-Street Parking Areas.** [Attached is a proposed Ordinance amendment](#) to Chapter 7, Article IV, Section 7.402 – Parrott Avenue Off-Street Parking Areas, which calls for the metering of the Parrott Avenue Lot at \$0.50 per hour. Enforcement is from Monday through Friday, from 9:00 a.m. to 5:00 p.m. The estimated annual revenue impact is \$110,000.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, as presented, for the April 18th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- c) **Chapter 7 – Various Sections.** [Attached is a proposed Ordinance amendment](#) to Chapter 7 for the following Sections:

7.105 – Parking
7.324 – Limited Parking – One Hour
7.325 – Limited Parking – Thirty Minutes
7.326 – Limited Parking – Fifteen Minutes
7.327 – Limited Parking – Two Hours
7.329 – Limited Parking – Four Hours

These amendments clarify and expand the parking meter hours for on-street parking so that the hours between Monday and Saturday will be 9:00 a.m. to 7:00 p.m. and 12:00 p.m. to 7:00 p.m. on Sunday. The estimated annual revenue impact is \$204,225.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, as presented, for the April 18th City Council meeting. Action on this item should take place under Section IX of the Agenda.

- d) **Chapter 7 – Definitions and Parking.** Attached is a proposed Ordinance amendment to Chapter 7 for the following Sections:

7.101 – Definitions

7.105 – Parking

These amendments created a “High-Occupancy Parking Area” with a \$1.25 per hour rate. This rate is enforceable Monday through Saturday, from 9:00 a.m. to 7:00 pm. The estimated annual revenue impact is \$100,680.

I would recommend the City Council move to pass first reading and schedule a public hearing and second reading on the proposed Ordinance amendment, as presented, for the April 18th City Council meeting. Action on this item should take place under Section IX of the Agenda.

2. **Public Hearing and Adoption of Resolution.**

- 2.1 **Public Hearing & Adoption of Proposed Resolution Appropriating Funds in the sum of Seventy-Seven Thousand (\$77,000) Dollars for the Operation of the Fire Department.** As a result of the March 21, 2011 City Council meeting, under Section VII of the Agenda, I am bringing back for a public hearing and adoption the attached proposed Resolution appropriating the sum of Seventy-Seven Thousand (\$77,000) from undesignated fund balance for the operation of the Fire Department. Attached is a memorandum from Christopher LeClaire, Fire Chief and the Fire Commission, regarding this matter.

On Monday evening, I have asked that Christopher LeClaire, Fire Chief, be present to answer any questions regarding this matter.

Because this is a supplemental appropriation, it requires two thirds vote of the City Council to adopt this Resolution for the purpose described.

I would recommend the City Council move to adopt the Resolution for the sum of Seventy-Seven Thousand (\$77,000) Dollars, in accordance with the attached Resolution. Action on this matter should take place under Section IX of the Agenda.

3. **Public Hearing/Second Reading of Proposed Ordinance Amendments:**

3.1 **Public Hearing/Second Reading of Proposed Ordinance Amendment to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability.**

As a result of the March 21st City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading [the attached proposed Ordinance Amendment](#) to Chapter 7, Article IX, Section 7.901 – Penalties, Forfeitures and Separability. At the City Council meeting of February 7, 2011, the Council accepted the action sheet of the Parking Committee. That action sheet included a recommendation, “to reduce the habitual offender to 10 tickets”. This recommendation is intended to reduce the number of parking violations that any person could receive in one year before enhanced penalties would be implemented.

By ordinance, after Council acceptance of Committee minutes, Parking Committee actions are valid for up to one year without further Council action. However, ordinance Section 7.103 which creates the Committee provides only limited authority to the Committee to act. This authority does not extend as far as increasing the penalties for violations. In general, the Parking Committee has the authority to adjust the time and location of parking spaces, but not to adjust penalties. Thus, the acceptance of the Committee minutes by the Council in this situation does not accomplish the action desired by the Committee. An ordinance is necessary to do so.

Jon Frederick, Director of Parking and Transportation, has advised me that the Parking Committee would like to see the enhanced penalties in place effective July 1, 2011.

I would recommend the City Council move to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, for the April 18th City Council meeting. Action on this item should take place under Section IX of the Agenda.

4. **Third and Final Reading of Proposed Ordinance Amendments.**

4.1 **Third and Final Reading of Proposed Ordinance Amendment to Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban.**

As a result of the March 21st City Council meeting, under Section IX of the Agenda, I am bringing back for third and final reading the [attached proposed Ordinance](#) to amend Chapter 7, Article III, Section 7.321 – Snow Emergency Parking Ban, as recommended by the Parking Committee at their February 10, 2011 meeting. The City Council approved the Parking Committee minutes at their February 22, 2011 City Council meeting. The following amendment allows for the expansion of the timeframe during a snow emergency:

Section 7.321: SNOW EMERGENCY PARKING BAN

- G. City residents may park in the High-Hanover Parking Facility during snow emergencies utilizing snow ban coupons from ~~two hours before~~ a declared parking ban **advanced notice** until ~~two hours after the ban has been terminated~~ **a time deemed appropriate by the Public Works Director or his/her designee following termination of the snow ban, but in no event less than two hours after the termination of the snow ban.** Snow ban coupons shall be available at the Parking Clerk's Office and entitle the bearer to a flat rate payable upon exit from the parking facility.

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

5. **Renewal of Boarding House Permit Re: 350-352 Hanover Street.** Attached under [Written Communications on the Agenda](#) is an application from G. Edward Gowen, Jr., 350-352 Hanover Street for the annual renewal of the Boarding House Permit.

I would recommend the City Council move to authorize the City Manager to issue the Boarding House Permit for G. Edward Gowen, Jr., 350-352 Hanover Street. Action on this item should take place under Section XI of the Agenda.

6. **Renewal of Boarding House Permit Re: 278 Cabot Street.** Attached under [Written Communications on the Agenda](#) is an application from Paul H. White & Janet White-Nay, 278 Cabot Street for the annual renewal of the Boarding House Permit. City staff has recommended the renewal of this permit with the condition that a weekly cleaning schedule of common areas be submitted to the Health Officer.

I would recommend the City Council move to authorize the City Manager to issue the Boarding House Permit for Paul H. White and Janet White-Nay, 278 Cabot Street with the aforementioned condition. Action on this item should take place under Section XI of the Agenda.

7. **Renewal of Boarding House Permit Re: 21 Brewster Street.** Attached under [Written Communications on the Agenda](#) is an application from Bach Realty, 21 Brewster Street for the annual renewal of the Boarding House Permit. City staff has recommended the renewal of this permit with the following conditions:

I would recommend the City Council move to approve and authorize the City Manager to issue the annual Boarding House permit for 21 Brewster Street with the following conditions:

- 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.*

Action on this item should take place under Section XI of the Agenda.

Consent Agenda:

1. **Acceptance of Donations for USS Virginia.** The City of Portsmouth has received the following donations totaling \$275.00 for the USS Virginia party:

| | | |
|---|---|----------|
| ➤ | The American Legion Frank E. Booma Post. No 6 | \$ 25.00 |
| ➤ | People's Bank | \$250.00 |

I would recommend the City Council move to approve and accept the donations for the USS Virginia, as presented. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Discover Portsmouth Center Re: Lease.** As you will recall at the March 21st City Council meeting, Richard Candee of Portsmouth Historical Society (PHS) requested that the City Council consider a long-term lease for the former Public Library which is being operated as the Discover Portsmouth Center. Key terms of the proposed lease are summarized below:

- (a) 25-year term with option to renew for an additional 10 years upon meeting satisfactory conditions as to premises maintenance, improvements and successfulness of public mission.
- (b) PHS will perform all maintenance including heating, plumbing, and air conditioning fixtures as well as paint, carpet, curtains, and furniture.
- (c) Beginning April 1, 2012, PHS will responsible for all utility costs (City presently contributes to the winter heating costs).
- (d) PHS will provide upkeep and maintenance to the grounds.
- (e) PHS will make capital improvements as may be mutually agreed.
- (f) PHS will continue to operate at least a portion of premises for benefit of the public as the Discover Portsmouth Center or like mission.
- (g) PHS will continue to fulfill terms of the historic easements and covenants related.
- (h) PHS will continue to provide updates relative to financial status and fundraising goals for the operation of the Discover Portsmouth Center.

A copy of the final proposed lease is attached. The final proposed lease has been modified slightly from that draft of lease circulated to the Council at the March 21, 2011 meeting. Changes were not substantive relating principally to the recitals preceding Article I, and clarifications to the demising clauses of Article II and insurance provisions of Article V.

I would recommend the City Council move to approve a long-term Lease between the City of Portsmouth and Portsmouth Historical Society, and further, authorize the City Manager to execute this Lease.

2. **Request for a Parking Lot Agreement Re: Middle Street Baptist Church.** In an effort to ease parking constraints from the Middle School project, the Middle Street Baptist Church has agreed to allow the City to utilize 17 parking spaces in their parking lot for use by employees of the Portsmouth Library (see attached aerial map). Use of the lot will be limited to Monday through Friday, 8:30 a.m. to 9:30 p.m. each day. The attached Agreement will be good for one year. If the arrangement is favorable to both parties, we would pursue renewal for an additional year. In exchange for use of the spaces, the City will pay the Church \$1,000 per year and manage snow plowing and removal for the lot. Additionally, the City will sign the subject parking spaces for permit parking and install a key-locked security gate in the existing chain link fence to allow access to the Library. Enforcement of the 17 spaces will be conducted by Parking Enforcement in conjunction with Library staff. In the event that Church events (funerals, weddings, etc.) preclude the use of the spaces, 24-hour advance notice will be given by the Church to the Library Director.

I would recommend the City Council move 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.

3. **Report Back Re: Bike Racks.** Per Council request to evaluate a parking space for a bike rack, Jon Frederick, Director of Parking and Transportation, recommends utilizing one space on the northerly side of Daniel Street at Penhallow Street, in front of the McIntyre Federal Building. In his research, he has identified a bike rack made specifically for on-street parking spaces that will accommodate 14 bicycles (see attached informational sheet). It is designed to offer protected bike parking and would be affixed to the street to provide security for the bicycles parked in the rack. The estimated cost for this type of bike rack is \$2,700. There are cheaper options available, but they do not afford the protection and security necessary for bicycle parking in an on-street environment.

As an alternative option to utilizing an on-street parking space, Jon Frederick has identified eight to ten areas on State Street sidewalks where inverted-U bike racks could be installed. The inverted-U rack is designed to park two bicycles and easy to fit in areas that will not impede pedestrian traffic (see attached informational sheet). This approach offers less bike parking per rack but allows bike parking to be dispersed in more areas. The estimated cost for this type of back rack is \$190 each.

The City Council may move one of the following motions:

- 1) Move to approve the first option, as presented, or*
- 2) Move to approve the alternative option, as presented.*

4. **Request for a License from Bryan Trudel, owner of Zahtar Mediterranean Sandwich Bar for property located at 148 Fleet Street to install a projecting sign.** [Attached is a copy of a memorandum](#) from Rick Taintor, Planning Director, outlining the Planning Board's recommendation regarding a request from Bryan Trudel owner of Zahtar Mediterranean Sandwich Bar for property located at 148 Fleet Street, to install a projecting sign on an existing bracket. [Attached are the photographs.](#)

On March 15, 2011, the Board of Adjustment granted a variance to allow the proposed sign to project from the building more than one-third of the width of the sidewalk. The proposed sign complies with the Zoning Ordinance in all other respects. The Board voted to recommend approval of a revocable municipal license, subject to the following conditions:

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, will 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.

I would recommend the City Council move 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.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on March 21, 2011. In addition, this now can be found on the City's website.