

COMMITTEE ON ADMINISTRATION/INFORMATION SYTEMS

December 11, 2007
Aldermen O'Neil, Lopez,
Smith, Forest, DeVries

4:00 PM
Aldermanic Chambers
City Hall (3rd Floor)

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Lopez, Smith, Forest

Absent: Alderman DeVries

Messrs: T. Arnold, K. Sheppard, M. Salomone-Abood, G. Sullivan, J. Cote,
M. Probish, P. Alexakos

Chairman O'Neil addressed item 4 of the agenda:

4. Charter amendment question relating to the School District becoming a department of the city as referred by the Board of Mayor and Aldermen.

Chairman O'Neil asked Alderman Gatsas, do you want to speak on this issue?

Alderman Gatsas responded Mr. Chairman, I have not seen the wording that the City Solicitor has drawn up. I don't know if he has something to present this evening or not.

Mr. Tom Arnold, Deputy City Solicitor, stated I did not bring it with me. I see it's not attached to the agenda. I can get that.

Alderman Gatsas asked is there a reason why you would look at this agenda and not bring in the wording?

Deputy City Clerk Matthew Normand stated we could get a copy.

Chairman O'Neil asked Matt, do we need to table?

Deputy City Clerk Normand responded you could just delay the item until Solicitor Arnold can get to his office and return with the wording Alderman Gatsas is requesting.

Chairman O'Neil addressed item 5 of the agenda:

5. Ordinance submitted by the Mayor's office on behalf of the Arts Commission providing for two alternates to be added to the commission membership.

On motion of Alderman Smith, duly seconded by Alderman Forest, it was voted to approve this item.

Chairman O'Neil addressed item 6 of the agenda:

6. Communication from Kevin Sheppard, Deputy Public Works Director, providing information pertaining to the Coordinator Purchasing Division as requested by Alderman Lopez as Chairman of the Board.

On motion of Alderman Lopez, duly seconded by Alderman Forest, it was voted to discuss this item.

Alderman Lopez stated I got a correspondence from Kevin Sheppard in reference to this, and as he indicated, there is no really true way of finding out the actual cost. The purchasing system, I believe, under ordinance, was always under the Highway Department anyway. I think that we're doing what we should have done before, which is coordinate different activities basically. The thing that you've indicated in your correspondence of the value to the City of doing this is well-explained. Maybe you could add a little bit about how much time it takes to do something like this.

Mr. Kevin Sheppard, Deputy Public Works Director, stated in the past our purchasing agent worked alone, putting out several bids for our department. Now by coordinating City-wide, like I say, it's not only a savings of money but I think as Mindy or our purchasing agent has said in the past, it's putting the City's best foot forward by creating consistencies, making information available for other departments, making information available for bidders that want to bid on the City, making one point of contact. A lot of times on many different bids...later on in the agenda, hopefully there will be time to talk about the City letterhead, making the City letterhead one standard letterhead that the departments can work from. So, if someone gets a letter from the City, it's the standard letterhead. There is a lot of time in gathering information. I know the purchasing agent plans

on tracking the cost over time, so in the future we'll be able to provide perhaps some more numbers to you. But based on the past information...it's not available at this time, but as we track it, we'll be able to give some more information.

Alderman Lopez stated that's pretty good as we move along in this process here, because it's going to be a long process. The only thing I didn't see in the report was, are there any problems, any problems that the Committee could clear up with the departments?

Mr. Sheppard responded Mindy maybe can talk a little bit more on that later, but I think things are going fairly well. I think in the past the Chairman has directed the departments to respond to our surveys and to work with us, and more departments are continuing to work with us. I think it's picking up momentum. I think things are going fairly well. Obviously there are some bumps in the road. But I think as time goes on it's getting better.

Chairman O'Neil asked Mindy would you...I know you're later; you're the next agenda item and maybe you can join us on this. I do know, I think it was the last time we met, maybe it was a couple of meetings ago, it was brought to our attention that there were some issues with a limited number of departments that were not cooperating, and I think the Committee took a vote to direct departments that they will cooperate regarding this. Have you seen some change in that since that happened?

Ms. Mindy Salomone-Abood, Public Works Purchasing Agent, responded yes, absolutely. We had a good response for the letterhead survey results.

Alderman Lopez asked Kevin, do you anticipate at some stage that you would make a standard, sort of like standard operating procedure on all this and it would be printed out so all the department heads and elected officials know?

Mr. Sheppard responded no question. I think one of the intents is eventually...maybe not a manual but at least a few sheets going through what the standards are for purchasing and maybe updating as we take in bids. They already do that on the web; they provide the standard specs or the standard contracts that people can work with. But yes, definitely.

Alderman Lopez stated you have it on the G drive, but I'm talking a hard copy so that the Aldermen that don't get on the computer know what the purchasing system is all about.

On motion of Alderman Lopez, duly seconded by Alderman Smith, it was voted to Receive and File this item.

Chairman O'Neil addressed item 7 of the agenda:

7. Purchasing Division Progress Report submitted by Ms. Salomone-Abood.

Ms. Salomone-Abood stated hopefully you guys have my progress report in front of you. Since we last met the Purchasing Division has awarded a number of bids, anywhere from winter bids that we took action on...now it's automotive bids. One that I'd like to mention is the heating and fuel oil for all the City departments. We had locked in at a fixed rate at the end of October. On November 30th I called up specifically to ask for pricing on a diesel. If we were to walk in that day, we would have been locking in at sixty cents per gallon more. Based on the quantities that the City uses for diesel, we are potentially looking at a \$100,000 savings for the City because of when we locked in. And we locked in at a fixed rate. The other thing I'd like to highlight on the progress report is, last time we met, you gave me the approval to go ahead and send out a letterhead survey to departments to find out what their concerns were. Attached to the report you should have the results, the concerns that departments raised, our responses to it, the choices that were made, and also our Division's recommendations to you that obviously we hope you will vote on so we can proceed to sending out a bid for this product.

Alderman Smith asked could you tell me what the increase is with the salt? I understand there is a problem, or there was a problem, with the salt with regards to snowstorms. We have to treat the roads before we plow them...what the difference is per ton from last year? And do we have an adequate supply for future storms? Because we're going to get a double-header, from what I can understand this weekend?

Ms. Salomone-Abood responded the salt, we found, was there's a Baltic freight rate that also has gone up because the company that we do deal with ships overseas and I guess there has been an increase in that due to renting ships, or the ships that can carry that amount of supply. The lowest bid that we did receive this year was \$52, and that's about nine to ten dollars more than what we received last year. We did find out that possibly if we had gone out in March, which has never been the recommendation to go out for bid in March, the Baltic rate was obviously lower at that point, but we may have been able to get a better price then, but this would be the first year that we've ever been above state pricing.

Alderman Smith asked do we still use Granite State Minerals out of Portsmouth?

Ms. Salomone-Abood responded they were the lowest bidder.

Mr. Sheppard added we did bid it out. Granite State Minerals was the low bidder. That roughly nine dollar increase per ton is about a 26% increase in our cost for salt, and our salt line item is somewhat level-funded, so it leaves us less tonnage this year. Part of your second question, as far as are we prepared for the storms, we've got salt coming in every day. We seem to be having storms every other day. Granite State Minerals, our supplier, treats us very well, and they are getting the salt to us for the storms.

Alderman Smith asked Kevin, what is the volume, what do we use in a normal winter, how many tons? So I have an idea because it's nine dollars more a ton.

Mr. Sheppard responded we could use anywhere from 800 to 1,300 tons...say an average of 1,000 tons per storm. In a typical year we might see twelve storms. So another \$100,000 dollars.

Chairman O'Neil stated just to follow up on salt, would it be...do you think one of the factors in the higher bid is not only the trucking cost from the port to Manchester but just getting it...I'm guessing that it comes in at Portsmouth, so it's generally related to the increases in fuel and that to get it here. Are all the departments with the exception of Airport getting salt from Public Works?

Ms. Salomone-Abood responded yes, some of them directly contact Granite State; most of them contact Granite State themselves.

Chairman O'Neil asked but are they locking in at our price?

Ms. Salomone-Abood responded yes.

Chairman O'Neil stated for instance, Parks may get a delivery but it's through our price.

Ms. Salomone-Abood stated that was incorporated in the bid as a City-wide bidding.

Alderman Gatsas stated thank you, Mr. Chairman, for allowing me to ask a question. I think we were in the budget process when I attempted to pre-buy salt, because there was a line item in the budget that had an excess of \$400,000 in it. Now I just heard Mindy say we could have frozen it in March rates...I've got to believe the rates back in May and June might have even been less...but we were told we couldn't pre-buy. And I guess I kind of scratch my head and ask the question, why can't we pre-buy?

Mr. Sheppard explained I think the answer back then was salt is considered an inventory item in the City, and we only get billed for salt...salt is only billed to our budget when we use it. So we could have 5,000 tons of salt in inventory that the City purchased but it doesn't hit our budget till we actually use it. So salt is considered an inventory item. I'm not too sure the financial side of that...could the City have purchased 5,000 tons and donated it to the Highway Department? I'm not too sure how that works, but...

Chairman O'Neil asked fuel is not like that Kevin? Heating oil or diesel fuel?

Mr. Sheppard responded that's the same. It's an inventory item; it hits our budget when we use it.

Ms. Salomone-Aboud added but we're limited on the fuel as far as storage.

Mr. Sheppard stated we would have supported your proposal, I'm sure. We'd love to be able to carry money from year to year from our winter budget. Last year was an easy winter.

Chairman O'Neil asked Mindy, are you looking for an approval by us on the letterhead?

Ms. Salomone-Aboud responded I have recommendations. Under the business stationery survey results, the third page, I included recommendations. On the letterheads, letterhead number two was the most preferred. Letterhead one might give departments a little more options to add names of deputy directors or commissioners if they want to, or put a little more information. So that's kind of left to your decision of which letterhead you might want to go with.

Mr. Sheppard stated I think, even though letterhead number two may have been one vote higher than letterhead number one, our recommendation would probably be letterhead number one, you know, with the City Seal in the middle of the page and the City of Manchester department name below that, and at the bottom of the page the address and email address. That leaves the left and right sides of that available for other department information.

Alderman Forest stated Mindy, I noticed on the comments here from different departments, there is one here from the Police Department about having a unique letterhead and business card, and I believe it sounds like you sort of agreed with that. Would it be different from this one from the Police Department? Is it unique for their department to have a specific letterhead for them?

Ms. Salomone-Abood responded I believe the question was actually in regard to their business cards. I don't think they really put it onto their letterhead. They wanted to make sure that the Ralph Miller Public Safety could still stay under their department, and it can, as long as that's part of their department's imprint. As far as the business cards go, I did agree with the police badge and then the officer's name or the detective's name, and I think that obviously the nature of their business that it would behoove to have a uniqueness to their cards so that people can pull that card out of their wallets. Obviously, they give out their cards for a reason, and I think that it would be a safety issue and a concern that their cards are set apart from the rest of the City's.

Alderman Forest stated so it would only be their business cards that would be different, so if we vote this letterhead in, they would all have the same letterhead.

Alderman Lopez asked are we talking about the natural white or the ivory?

Ms. Salomone-Abood responded we're talking about the logo, and we can also discuss the natural white to the ivory, because the votes to that was neck and neck as well.

Alderman Lopez stated tell us what you're recommending.

Ms. Salomone-Abood responded for the color? I like the natural.

Alderman Lopez stated so it's letterhead number one, natural, that you're recommending.

Alderman Forest moved to approve letterhead number one, natural. The motion was duly seconded by Alderman Lopez.

Alderman Lopez stated now the ivory is a different document that identified the City more prominent than the white. This is the ivory, and getting it is more professional, in my viewpoint. If you get a white copy, it doesn't look that important. That's what I'm torn between. I think the ivory, because we use ivory all the time as the Aldermen and the City down the stairs. It's just my own belief that when you see this and you get it, then you know that it's an official document, although the other one is an official document. The white copy, if you follow what I'm saying. I don't know how other Aldermen feel about that or not; maybe there is no preference.

Alderman Smith stated I just think that ivory is much more prominent; looking at the natural white and the ivory, the ivory stands out. I'm not going to argue about colors anyway.

Chairman O'Neil asked Alderman Forest, would you rescind your motion?

Alderman Forest replied I'll rescind my motion.

Alderman Lopez rescinded his second.

On motion of Alderman Forest, duly seconded by Alderman Lopez, it was voted to approve letterhead number one, ivory.

Mr. Sheppard stated the envelopes and business cards are actually part of that as well. I'm assuming the envelopes would be ivory as well.

Chairman O'Neil asked correct? Is that the Committee's intent, that the envelopes would be ivory as well?

Mr. Sheppard stated and then the business cards I believe would be on the last page of Mindy's packet.

Chairman O'Neil asked Mindy, what's the difference: the chosen business card versus the recommended business card?

Ms. Salomone-Abood explained on the chosen business card the seal has the lines across inside; we kind of call it a closed seal. The recommended is an open seal. It doesn't have the lines in between or on the inside. It's not colored in. This one would actually match the one that was chosen for the letterhead and for the envelopes.

Chairman O'Neil asked the recommended one would?

Ms. Salomone-Abood responded yes.

On motion of Alderman Lopez, duly seconded by Alderman Smith, it was voted to approve the recommended business card.

Chairman O'Neil asked does this need to go to the full Board?

Deputy City Clerk Normand responded we will report it out to the full Board.

Chairman O'Neil stated you may just have to wait till next Tuesday in case the Board has any concerns, but thank you very much for your efforts.

Chairman O'Neil addressed item 8 of the agenda:

8. Communication from Grace Sullivan, MCTV Director, advising that she wishes to present to the Committee for its consideration a new location for MCTV facilities.

Dr. Grace Sullivan, MCTV Director, stated thank you very much. The presentation will be made by Jason Cote, who is the operations manager at MCTV. We also have Margaret Probish, legal counsel from Sheehan,Phinney, Bass & Green; and we have Phil Alexakos, who has been the chairperson of the MCTV Site Facility Committee, who after looking at forty spaces and doing due diligence and evaluation are ready to give a report. I think what I'm going to do is have Margaret come up because if there are any questions in regards to legalese.

Ms. Margaret Probish, Sheehan Phinney, Bass & Young, stated I just wanted to clarify that this is a non-public session. Is that correct?

Chairman O'Neil asked do we need to be in non-public?

Ms. Probish stated I think that would be our preference, basically because some of the terms are still in discussion with the landlord.

Mr. Arnold advised you can go into non-public to discuss.

Chairman O'Neil asked out of fairness to Alderman Gatsas so he doesn't have to sit around, can we table this for a minute?

Deputy City Clerk Normand asked let it sit for a minute?

Chairman O'Neil explained right, go back to his item so he doesn't have to sit through it because after we finish with MCTV we have a hearing on a taxi driver's license.

On motion of Alderman Lopez, duly seconded by Alderman Smith, it was voted to table this item.

The Committee continued its discussion of item 4.

Chairman O'Neil stated we have another item we can take up in public session and then we will come back to this. Has everyone had a chance to take a look...I know it's quick...at the proposed charter amendment? Alderman Gatsas, would you like to highlight it?

Alderman Gatsas stated thank you, Mr. Chairman. This charter amendment was brought before us a while ago. This is not anything new. There needed to be legislation that was passed in Concord that would allow for this so that we could send this to the public and get a referendum vote for the charter change. Basically what this does is it brings the School District as a department of the City. The reason is twofold for doing that. I think, Mr. Chairman, you will agree that you and I sat on a committee some four or five years ago and this was being discussed, along with Alderman Whiby, looking for the synergies we might have been able to collect as a City and as a School District for savings with the taxpayers. We didn't get very far because people didn't want to give us the information so that we could look at the synergies. Since then I think with the oversight problem that we've had in the last couple of weeks, we had the same problem in City government. He was terminated immediately, and was not given any severance package. I think that the way the Superintendent was treated for putting in a raise on his own, not once but twice, there was no reason that the taxpayers' money should have been paid until the end of December and termination should have followed. So with that I felt it was time that maybe we revisit the opportunity to make the School District part of the City, and make it a department of the City, and the synergies that we would gain would be one human resource department and one health insurance plan. We saved somewhere in the vicinity of \$1.4 million when we went out to bid that insurance. I had requested that the School District do it back then and take a look at where they were. They're still looking at it and looking to do it at the next budget season. So with that, Mr. Chairman, I certainly entertain any questions that this Committee or yourself may have. I think it's pretty clear that we would not be taking a line item position on their budget. It would be done no differently than what it is done now. They would submit to the Board of Mayor and Alderman and we would give them a bottom line. So, there is no change on how they would administer the School Department. It would just be a matter of the oversight and Finance having the ability to do it here.

Alderman Forest stated Alderman Gatsas, I'm not totally opposed to this but I have one or two questions: one for you, apparently, and maybe one for the City Solicitor. By doing this we have apparently negotiated a contract with the teachers' union and then MSPA, and all this stuff. Would this affect or would this open up a re-negotiation on these units?

Alderman Gatsas responded no, they would not.

Alderman Forest stated Tom, I know I've heard many, many rulings on this over the past six or seven years, and the last one I heard is apparently what Alderman Gatsas is saying. The last court ruling that I know of, maybe three or four years

ago, did say we had the authority to do this. Is that correct? You know, if we put it in a charter amendment. I think the last one I read was yes, that we could do it.

Mr. Tom Arnold, Deputy City Solicitor, responded I believe with this special legislation that was passed in Concord, subject to statutory restrictions, yes, you could do it.

Alderman Lopez stated Tom, walk us through the procedure here if we vote to do this.

Mr. Arnold stated this would be a charter amendment so it would have to go through the charter amendment process. That requires a public hearing and notice and some sort of a timeframe that frankly I couldn't recall off the top of my head that would have to be followed in order to present it to the voters and have it enacted.

Alderman Lopez stated the only thing we are doing here tonight if we say we want to is pass this on to the full Board for them to make a decision as to whether they set a public hearing date and then a final vote from the Board of Mayor and Aldermen to put it on a charter amendment at that time.

Mr. Arnold responded I'm not sure about your question. I think what you'd be doing tonight is recommending to the full Board that this charter amendment be put through the charter amendment process and put before the voters. As I said, I would have to read the process and get back with the timeframes involved and the election that would be used. There are timing issues you may want to take a look at in terms of when it is actually processed and presented to the voters.

Alderman Lopez stated I understand that. My final question is after a public hearing do the Mayor and Aldermen have a final vote to put it on a charter amendment referendum at that time after they've heard all arguments?

Mr. Arnold responded I believe that is correct. Let me find the statute.

Alderman Lopez stated I've got to know.

Alderman Gatsas stated I think the process would be, Mr. Chairman, that this would come out of this Committee to the full Board. It would be sent to Bills on Second Reading for a public hearing. After the public hearing it would come back to the full Board for a vote to go to a referendum.

Alderman Lopez stated that's the way I understand it but I want to make sure.

Chairman O'Neil asked is there any thought as to how this would play out date-wise? How many months would be involved?

Alderman Gatsas responded I think, Mr. Chairman, the next time this will have the ability to come up for a vote as a referendum would be either next year in the primary election or in the general election. That would be a decision for the full Board to make. The timeframe for allowing for a public hearing is such that we would have ample time for a public hearing. It's not like we're looking to get this on the January 8th ballot, which is impossible to do.

Chairman O'Neil stated so the earliest this could be voted on would be in the fall.

Alderman Gatsas stated unless there was a special election that was held within the City before that, in all wards, not just on one ward. If there was a replacement of a representative, you couldn't do it then. It would have to be a special election for all wards.

Alderman Lopez stated the only thing...I would like to listen to the pros and cons of this issue that's been going on for a number of years. With the actions that have been done at the School Board level, and someone who's been in process with the budget process, I think hearing from the public and hearing from officials as to whether this is still a good idea or not a good idea, I think will refresh everybody's mind as to how important the School Department is and other areas of the School Department and the dollars that they need. I have no objection to it going to a public hearing, as long as I'm assured, and Tom Arnold is going to assure me, that we have the final vote as to whether or not we put it on a referendum question. But I'd like to hear the plusses and minuses once more.

Mr. Arnold stated in answer to the Alderman's question, yes, I was correct that the statute provides within seven days after the hearing, the municipal officers may order that the proposed amendment be placed on the ballot.

Alderman Smith stated I'd like to address this to Senator Gatsas or Alderman Gatsas: I'm looking over this letter. I think the main situation is the School Committee will submit a revised budget that will not exceed a maximum dollar amount established by the Board of Mayor and Aldermen. In other words, when they send a budget to us, we have the opportunity to send it back with a certain amount. That's the major change, right?

Alderman Gatsas stated that's standard procedure now, Alderman Smith. I think what this does is it spells it out to say that the procedure doesn't change. As in most other departments in the City, we have to opportunity to go through line

items and change them as a Board. We don't have that ability as a Board to do that to the School Board. The School Board comes to us with a number. We don't scrutinize in between. We send them a final number and they develop their budget as they wish.

Alderman Lopez stated if this amendment went through, this gives the Mayor authority to tell the School Board how he wants the budget submitted. Do you agree with that, Alderman Gatsas?

Alderman Gatsas responded when you say that the Mayor has the ability...

Alderman Lopez stated the Mayor sets up any procedure he wants in order to present a budget to the Board of Mayor and Aldermen. Maybe Tom Arnold can answer that question.

Mr. Arnold stated as a general rule that is correct. This amendment provides that the Mayor shall establish the form and organization for submission to the Board.

Alderman Lopez stated if this charter amendment were to pass, the Mayor would have the authority to set up any procedure he wants in presenting the budget of the School Board to the Board of Mayor and Aldermen.

Alderman Gatsas stated that is correct. That's what this says.

On motion of Alderman Forest, duly seconded by Alderman Lopez, it was voted to send this item to the full Board.

The Committee resumed its discussion of item 8.

Chairman O'Neil asked Tom, what would be the proper order to address MCTV?

Deputy City Clerk Normand stated we need a motion to enter into non-public session according to RSA 91-a:3 II (c)

Alderman Forest made a motion to enter into non-public session. The motion was seconded by Alderman Smith. A roll call vote was taken.

A roll call vote was taken. It was voted unanimously to enter into non-public session

The Chairman called the meeting back to order.

Chairman O'Neil asked Attorney Arnold, the appropriate motion would be?

Mr. Arnold responded to authorize MCTV to enter into negotiations for a lease on the property located at 801 Elm Street and to report back to the full Board with a proposed lease at the December 18th meeting, subject to the review and approval of the City Solicitor.

Alderman Lopez asked is the lease going to go to you first so you can give us a legal opinion at the full Board?

Mr. Arnold responded that's what I anticipate will happen, yes.

On motion of Alderman Lopez, duly seconded by Alderman Smith, it was voted to authorize MCTV to enter into negotiations for a lease on the property located at 801 Elm Street and to report back to the full Board with a proposed lease at the December 18th meeting, subject to the review and approval of the City Solicitor.

Chairman O'Neil stated we're going to have to go into executive session on a taxi cab issue. We're just going to run out of time and not be able to take up the report from the Information Systems department, so Jennie Angell has provided a report. I don't believe anything is urgent, Jennie, that you need specific action. I apologize for that. We've just run out of time tonight. We'll address any concerns at the next meeting.

Chairman O'Neil addressed item 3 of the agenda:

3. Appeal of the denial of a taxi driver's license.

Deputy City Clerk Normand stated under item 3, we have an appeal of a denial of a taxi driver's license. The motion would be to enter into non-public session, under the provisions of RSA 91-a:3 II (c).

Alderman Smith made a motion to enter into non-public session under the provisions of RSA 91-a:3 II (c). The motion was duly seconded by Alderman Lopez.

A roll call vote was taken. It was voted unanimously to enter into non-public session.

Chairman O'Neil stated now we have a New Business item that we need to address tonight. It was handed out regarding signage on sidewalks. For the life of me I don't know why we're chasing this stuff down, but there's a recommendation for an ordinance change.

Deputy City Clerk Normand stated if the Committee so desires, the motion would be to approve it if you want. What it will do, this ordinance requires the individuals that want to put a sign out in front of their business, outside of the downtown district, to go through the Highway Department. Inside the downtown business district they will continue to do what they do now, which is come to the City Clerk's office.

Chairman O'Neil stated right. But we would need to refer this to the full Board and then they would send it to B2R?

Deputy City Clerk Normand responded correct.

Chairman O'Neil asked can we send it right to Bills on Second Reading?

Deputy City Clerk Normand responded no, it will go to the full Board.

On motion of Alderman Forest, duly seconded by Alderman Smith, it was voted to discuss this item.

Alderman Forest stated Matt, if I'm not wrong, that's a memo that was sent by me and Alderman Duval. Is that the same one? And what it has to do with, there are businesses in town – one in my Ward. Apparently, Alderman Duval's old business, but it's a new owner, some of these owners put signs in front of their businesses and I've seen them all over town, like they do downtown. And apparently somebody cited a couple of these businesses because they had the signs, instead of the political signs that are out there now...and I think it's a different ordinance, and I think that's why Alderman Duval and I requested that this be allowed for some of these businesses.

Alderman Lopez stated just for Alderman Forest, since he knows more about this, we're talking about two businesses here, but the ordinance is talking about City-wide. Is that correct?

Alderman Forest responded I believe it would make it City-wide because there are a lot of stores in town who put signs in front of their stores. They advertise whatever they have for sale in their business. One of them in my Ward is a hairdresser, and she's put a sign in front of her business for the last 20 years that I know of. It's on the City right-of-way. It's half way up the hill on Bremer Street. It's never been a problem. Apparently the Building Department has made a problem out of it because they cited the person, saying that it was on the right-of-way. We're just asking that common sense be used. It's an ordinance for businesses to be allowed to put a sign in front of their store or business.

Alderman Lopez stated I'm only concerned if this ordinance did go past Bills on Second Reading that people would be putting signs all over the City. I know sometimes you come to an intersection and there's a sign and so you can't see the traffic. There is no input from the Police Department; no input from the City Solicitor in reference to this. I'm a little leery of passing it along, unless you want to take it up at Bills on Second Reading, or at the full Board.

Deputy City Clerk Normand stated Alderman Lopez, if I could just add that in talking to Kevin Sheppard about this issue, we currently do this now in the downtown business district, and our office is responsible. What we do, the process that we do, is the Building Department is required to sign off on that application before we issue the permit that would allow them to encumber the sidewalk. So, there's that review. When talking to Kevin, he intends to follow the same procedure that we do, if it were approved.

Alderman Lopez asked if we're doing it now, why do we need a change?

Deputy City Clerk Normand responded because it's only addressed in the downtown area. Beyond that, businesses, technically, by ordinance, are not allowed to do this outside of the downtown district. So this ordinance, pursuant to the request of Aldermen Forest and Duval, would allow businesses to do it outside of the downtown district, under the supervision and direction of the Highway Department.

Alderman Lopez asked we're approving the ordinance and not the two locations then? They would have to comply with the ordinance.

Alderman Forest responded I believe that the ordinance...that's the way it would be. They would have to comply with what we have in the ordinance. They would have to have the liability insurance and permission from the City Clerk or whatever the process is.

Deputy City Clerk Normand stated it would be the Building Department. The process that Kevin has stated that he's going to set up is identical to ours, so these two individuals in this case, and any other individuals outside the downtown district that would like to do this will have to apply to the Public Works Department. He's going to send it to the Building Department for review, to make sure the sign complies and the location complies with zoning ordinances. And then he'll get that information back. Any other information that he's requiring, 'he' being the Highway Department, and then they'll issue a permit. And that will be an annual permit that will allow them to display their sign.

Alderman Lopez stated okay, and I'm sorry to take so much time, but I've just got to make sure. What about the insurance factor? Let's say the wind comes along, blows the sign, breaks somebody's car window or something. Who's responsible?

Deputy City Clerk Normand responded it says right in the ordinance here that the insurance would be under the review of the Risk Manager as well.

Alderman Lopez asked so you would get that approval before you authorized him to display the sign?

Deputy City Clerk Normand responded yes.

Chairman O'Neil asked Matt, you do that for the downtown district, right? The only difference here would be Public Works/Highway, not the City Clerk doing it.

Deputy City Clerk Normand stated we're still going to maintain the downtown area; it's outside of that so-called jurisdiction of the downtown.

Alderman Lopez asked do you charge any fee for that?

Deputy City Clerk Normand responded we charge an encumbrance permit fee of \$50 for an annual permit, and that covers sidewalk cafes and all the other things that you see downtown now.

On motion of Alderman Forest, duly seconded by Alderman Smith, it was voted to approve this ordinance.

TABLED ITEMS

9. Communication from Mayor Guinta requesting consideration of the establishment of a Department of Administrative Services.
(Tabled 01/09/2007.)

This item remained on the table.

10. Copy of a communication from Alderman Lopez to Committee on Community Improvement requesting the BMA have the Finance Officer, City Solicitor and Bond Counsel (if needed) review the possibility of using Rooms and Meals Tax money in the future for Storm Water Utility/Sidewalks/Streets.

(Tabled 09/25/2007 pending further information from the Finance Department.)

This item remained on the table.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Forest, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee