

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON OCTOBER 7, 2013, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR SPEAR, ASSISTANT MAYOR LISTER, COUNCILORS COVIELLO, KENNEDY, NOVELLINE CLAYBURGH, LOWN, DWYER, SMITH AND THORSEN

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1. Presentation – Trustees of the Trust Funds Report – Phyllis Eldridge, Trustees of the Trust Funds Chair reviewed the MS-9 and MS-10 Reports with the City Council and the various funds under the responsibility of the Trustees.
2. Acceptance of Minutes – September 3, 2013 and September 16, 2013 – **Voted** to approve and accept the minutes of the September 3, 2013 and September 16, 2013 City Council meetings.
3. Public Comment Session – There were 7 speakers: Tom Carroll (Scrap Metal on Market Street); Jeff Barnum, Pat Shea, Mike Shea, Peg O’Neil (Municipal Coalition); Ruth Griffin (Richards Avenue Sidewalks); and Duncan MacCallum (Citizen Participation in Government).  
  
**Voted** to suspend the rules in order to allow for an additional speaker for the public comment session. Dan Bigda spoke regarding taxi medallions.
4. **Voted** to suspend the rules in order to take up Item XI. E. – Letter from Rus Wilson, Recreation/Athletic Director, regarding recommendation from the Recreation Board to name the Pease softball field in honor of Tony Rahn.
5. Letter from Rus Wilson, Recreation/Athletic Director, regarding recommendation from the Recreation Board to name the Pease softball field in honor of Tony Rahn – **Voted** to approve and accept the recommendation of the Recreation Board.
6. Public Hearing - Ordinance amending Chapter 8, Article III, “Street Trees,” is hereby deleted in its entirety and replaced with the following amendment to Chapter 1 Article IV by creating a Trees & Public Greenery Committee and the adoption of a new Article III entitled Portsmouth Urban Forestry Ordinance of Chapter 8 – Held a public hearing.

Moved to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the October 21, 2013 City Council meeting.

**Voted** to amend Section 8.307 – Authority of the Tree Warden by the addition of a Letter E to read as follows:

- E. *The Tree Warden or designee shall provide advice to the Site Review Technical Advisory Committee on tree removal, tree selection, and placement on projects that come before the Planning Board.*

**Main motion passed as amended.**

7. Public Hearing - Ordinance amending Chapter 7, Article II, Section 7.222 – Maximum Number of Taxicabs amended to increase the number of medallions from twenty-five (25) to twenty-eight (28) – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the October 21, 2013 City Council meeting.
8. Public Hearing - Ordinance amending Chapter 7, Article X, Section 7.1000 E – Towing – Tow Zones – Limited Parking Areas: City Streets – be amended that any vehicle or object remaining in the same location in any uncontrolled on-street parking space for more than 24 hours in the Central Business Districts A and B as bounded and shown on the City of Portsmouth Zoning Map, or more than 72 hours in any other location in the City, may be removed in the manner provided in Section 7.1000 D – Held a public hearing. **Voted** to pass second reading and schedule a third and final reading on the proposed Ordinance, as presented, at the October 21, 2013 City Council meeting.
9. Acceptance of Grants to the Portsmouth Police Department:
  - NH Department of Justice Grant toward Portsmouth’s participation in the Attorney General’s Drug Task Force - \$30,000.00
  - US Department of Justice 2013 Internet Crimes Against Children Task Force Grant for the New Hampshire ICAC Task Force - \$256,253.00

**Voted** to approve and accept the Grants to the Portsmouth Police Department, as listed.

10. Acceptance of Donation to the Coalition Legal Fund
  - Town of Rye - \$5,000.00

**Voted** to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund.

11. Consent Agenda – Councilor Kennedy requested to remove Item D – Request for License from Carol Johnson, owner of Allstate for property located at 401 The Hill for a projecting sign on an existing bracket from the Consent Agenda in order to act on the item separately.

**Voted to adopt the Consent Agenda.**

- A. Letter from Trevor Bartlett, Portsmouth Halloween Parade, requesting permission to hold the annual Halloween Parade on Thursday, October 31, 2013 (***Anticipated action – move to refer to the City Manager with power***)
- B. Request for License from Daniel Dumont, owner of Lo Mo for property located at 86 Pleasant Street for a projecting sign on an existing bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Daniel Dumont, owner of Lo Mo for a projecting sign at property located at 86 Pleasant Street and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
  - ***Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and***
  - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, 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***
- C. Request for License from Jim Weisweit, owner of Portsmouth Spa for property located at 55 Congress Street for a projecting sign on a new bracket (***Anticipated action – move to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Jim Weisweit, owner of Portsmouth Spa for a projecting sign at property located at 55 Congress Street and, further, authorize the City Manager to execute License Agreements for this request***)

**Planning Director's Stipulations:**

- ***The licenses shall be approved by the Legal Department as to content and form;***
- ***Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, 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***

12. Request for License from Carol Johnson, owner of Allstate for property located at 401 The Hill for a projecting sign on an existing bracket – **Voted** to accept the recommendation of the Planning Director with the aforementioned stipulations and approve the request of Carol Johnson, owner of Allstate for a projecting sign at property located at 401 The Hill and, further, authorize the City Manager to execute License Agreements for this request. Councilor Kennedy abstained from voting on this matter.

Planning Director's Stipulations:

- *No sign permit shall be issued until the Legal Department has determined that the outstanding violations of the City's land use regulations have been satisfactorily addressed;*
- *The licenses shall be approved by the Legal Department as to content and form;*
- *Any removal or relocation of the projecting signs, for any reason, will be done at no cost to the City; and*
- *Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting signs, 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*

13. Letter from Daniel Dumont, LoMo Portsmouth LLC, requesting approval to place a dumpster at 86 Pleasant Street – **Voted** to refer to the City Manager with power.

14. Petition from Richards Avenue residents requesting concrete continuous sidewalks from Lincoln Avenue to South Street – **Voted** to approve continuous concrete sidewalks on Richards Avenue from Lincoln Avenue to South Street, as presented.

15. Letter from Renee McCune, Portsmouth Lodge of Elks #97, regarding the safety of student runners exiting the trail from the woods onto the roadway – **Voted** to refer to the Parking and Traffic Safety Committee for report back.

16. Letter from Christopher Mulligan, Bosen & Associates, PLLC, regarding Amended Site Plan Approval for Property Located at 233 Vaughan Street and proposed Sidewalk License Agreement – **Voted** to refer to the City Manager with power.

17. Letter from Frank Kennedy, Pine Tree Model "A" Club, requesting permission to hold an antique autos parade over the Memorial Bridge and around Market Square on Saturday, October 26, 2013 – **Voted** to refer to the City Manager with power.

18. Adoption of Transportation Policy – Complete Streets – **Voted** to adopt the Complete Streets Policy.

19. Adoption of Transportation Policy – Bicycle Friendly Community – **Voted** to adopt the Bicycle Friendly Communities Policy.
20. Adoption of Transportation Policy – Walk Friendly Community – **Voted** to adopt the Walk Friendly Communities Policy.
21. Report Back Re: Request of Mark Ayotte, 9 Garden Street, for City to return all rights and privileges to him as an abutter from their current property line to the centerline of both Garden Street and Colonial Avenue – **Voted** to accept the Planning Board's recommendation that the City **not** release its interest in Garden Street or Colonial Avenue.
22. Report Back Re: Request of Rob Sevigny of The Paper Patch, 36 Market Street, for an easement to restore a step on Ladd Street – **Voted** to accept the Planning Board's and Planning Director's recommendation to grant a license (rather than an easement) to place a step at this location, subject to the following conditions. Councilor Coviello abstained from voting on this matter.

Conditions:

- a) *The step be constructed to code and shall be subject to approval by the Department of Public Works*
- b) *The sidewalk area disturbed to install the step shall be reconstructed to specifications approved by the Department of Public Works*
- c) *The License shall be approved by the Legal Department as to content and form*

23. Appointments to be Considered:

- John Bosen – Reappointment to the Economic Development Commission
- Joshua Cyr – Reappointment to the Economic Development Commission
- Michael Barker – Planning Board
- Justin Finn – Planning Board

The City Council considered the above referenced appointments which will be voted on at the October 21, 2013 City Council meeting.

24. Appointment to be Voted – **Voted** to reappoint Ronald Zolla to the Economic Development Commission until October 1, 2017.
25. Resignations – **Voted** to accept with regret the resignation of Robin Rousseau from the Zoning Board of Adjustment.

**Voted** to accept with regret the resignation of Aaron Lawson from the Taxi Commission.

Councilor Smith requested that letters of thanks and appreciation be sent to Ms. Rousseau and Mr. Lawson for their service to the City.

26. Coalition Communities – On a roll call vote 1-8, motion to have the City of Portsmouth withdraw from being one of the remaining three coalition communities linked to wastewater treatment plants **failed** to pass. Councilor Kennedy voted in favor. Assistant Mayor Lister, Councilors Coviello, Novelline Clayburgh, Lown, Dwyer, Smith, Thorsen and Mayor Spear voted opposed.
27. 400<sup>th</sup> Year Celebration – **Voted** to request the City Manager provide a report back at the first Council meeting in January, 2014 regarding working with Dennis Robinson on his proposal to collect and interpret 400 years of history in preparation of our 400<sup>th</sup> year celebration.
28. Adopt a Spots – No action required. Councilor Kennedy requested that the City Manager provided a report back in the future regarding the recognition of individuals who create and maintain Adopt a Spots throughout the City.
29. Parking Impact Fee Re: Restaurants – Councilor Lown requested a report back outlining the history of this item.
30. Letter Re: Christmas Event – Councilor Lown will communicate back with Mr. Fischer regarding his request.
31. Parking and Traffic Safety Committee Action Sheet and Minutes of the September 12, 2013 meeting – **Voted** to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of September 12, 2013. Councilor Kennedy voted opposed.
32. Adjournment – **At 10:50 p.m., voted to adjourn.**

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC  
City Clerk