

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 7, 2013

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

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

Mayor Spear called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy, Novelline Clayburgh, Lown, Dwyer, Smith and Thorsen

III. INVOCATION

Mayor Spear asked everyone to join in a moment of Silent Prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Smith led the Pledge of Allegiance to the Flag.

PRESENTATION

1. Trustees of the Trust Funds Report

Phyllis Eldridge, Trustees of the Trust Funds Chair reviewed the MS-9 and MS-10 Reports and the various funds under the responsibility of the Trustees with the City Council. Trustee Eldridge spoke regarding the maintenance of Prescott Park as well as capital projects.

Councilor Lown asked about the relationship between the Trustees and the Prescott Park Arts Festival. Trustee Eldridge explained the operating agreement between the Trustees of the Trust Funds and Prescott Park Arts Festival.

Councilor Smith said he would like a public report created showing each individual fund and its value. He also requested information on the scholarship funds outlining qualifications for applying and receiving a scholarship. Trustee Eldridge advised Councilor Smith that Portsmouth High School has the various scholarships and requirements outlined on their website.

Councilor Kennedy asked if the operating agreement between the Trustees of the Trust Fund and Prescott Park Arts Festival is on the city's website. Trustee Eldridge responded it was not and that the document is a fluid document which is always being worked on.

Assistant Mayor Lister thanked Trustee Eldridge for the presentation and stated the City does not realize how much of a benefit we have with the Trustees of the Trust Fund.

V. ACCEPTANCE OF MINUTES – SEPTEMBER 3, 2013 AND SEPTEMBER 16, 2013

Councilor Smith moved to accept and approve the minutes of the September 3, 2013 and September 16, 2013 City Council meetings. Seconded by Assistant Mayor Lister and voted.

VI. PUBLIC COMMENT SESSION

Tom Carroll spoke regarding the scrap metal debris at the Port. He said if the City Council is against the operation and pollution at the Port they should express their opposition.

Jeff Barnum York, Maine, spoke regarding the Municipal Coalition and the PEER Review.

Ruth Griffin spoke regarding the petition from Richards Avenue residents in support of replacing the concrete sidewalks.

Pat Shea said it is time for the City to withdraw from the Municipal Coalition and put the City's funds towards the health of the Great Bay.

Mike Shea expressed support for the withdrawal of the City from the Municipal Coalition and stated the City's money could be better spent.

Peg O'Neil said it is time for the City to withdraw from the Municipal Coalition. She said the Great Bay is vital but the expense to the taxpayers needs to stop.

Duncan MacCallum spoke regarding public involvement in government. He suggested restructuring the City Council agenda to have the public comment session prior to presentations. He feels the current agenda discourages public interaction and involvement.

Councilor Lown moved to suspend the rules in order to allow an additional speaker for the public comment session. Seconded by Councilor Novelline Clayburgh and voted.

Dan Bigda stated he has been in the taxi business for the last six years and addressed the matter of the number of medallions available. He explained his opposition for additional medallions at this time. Mr. Bigda indicated there is a lack of demand for medallions and that companies cannot cover the operating costs.

Assistant Mayor Lister moved to suspend the rules in order to bring 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. Seconded by Councilor Lown and voted.

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

Assistant Mayor Lister moved to approve and accept the recommendation of the Recreation Board. Seconded by Councilor Coviello.

Councilor Novelline Clayburgh spoke as a member of the Recreation Board and stated the Board and Mrs. Rahn are in favor of this recommendation.

Motion passed.

Mayor Spear thanked Councilor Novelline Clayburgh and the Recreation Board for making this recommendation.

VII. PUBLIC HEARINGS

A. 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

Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

Peter Loughlin provided an overview of the ordinance for the City Council. He said the Committee has worked on the ordinance for the last several years and spoke to the support of the Public Works Department with the Committee. He reviewed the role of the Trees and Greenery Committee and stated that it meets the current statutory requirements.

With no further speakers, Mayor Spear declared the public hearing closed.

B. 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)

Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

Merle White, Anchor Taxi said he has driven a taxi for the last 3 years and there is no need for additional medallions. He stated as a driver downtown late in the evening he knows what is or is not needed.

Edward Heath Anchor Taxi, said the matter at hand for more medallions is not needed. He stated the issues are between 1:00 a.m. – 2:00 a.m. when large amounts of people get out of the bars and the taxi service is first come first serve. He said many calls are to take people outside of the City, which requires time and Mr. Heath said people should be taking more responsibility for themselves.

Peter Bresciano, Taxi Commission Chair, said the companies make sure there are cabs operating safely on the road. He spoke in support of the ordinance and advised the Council that there are currently requests for medallions and there are no more available at this time. Chair Bresciano stated if the Council puts in mandatory times of operating it would put the taxi companies out of business.

With no further speakers, Mayor Spear declared the public hearing closed.

- C. 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

Mayor Spear read the legal notice, declared the public hearing open and called for speakers.

City Manager Bohenko stated that this was brought forward from the Parking and Traffic Safety Committee.

Councilor Smith said there is some no parking or free parking areas with no regulations and this will clean up those areas.

With no speakers, Mayor Spear declared the public hearing closed.

VIII. APPROVAL OF GRANTS/DONATIONS

A. 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

Councilor Smith moved to approve and accept the Grant to the Portsmouth Police Department, as listed. Seconded by Councilor Lown.

Councilor Thorsen asked if there are mandates with this grant for more enforcement of streets.

Police Chief Dubois reported that there are no mandates on the hiring of personnel. He spoke to the type of statistical reporting required as part of the grant.

Motion passed.

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

Councilor Kennedy moved to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Seconded by Councilor Novelline Clayburgh and voted.

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of 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

Councilor Coviello 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. Seconded by Assistant Mayor Lister.

Councilor Kennedy asked if the City has to come forward to the Committee for the removal of a tree. City Manager Bohenko answered yes. She stated that people are concerned that the Committee is not active.

Councilor Dwyer asked about advising the Planning Board of any items that come before the Committee.

Chair Loughlin stated all removals come before the Committee and on several occasions the Committee has been asked to provide input to the Planning Board. He said he does not feel the Planning Board needs to be part of the ordinance. Councilor Dwyer stated something should be added to the ordinance for the involvement of the Planning Board.

Councilor Thorsen asked about the Tree Warden and why we need such a designation where it is part of the Public Works Department. City Attorney Sullivan said the designation of Tree Warden comes from the enabling legislation.

Councilor Dwyer moved 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.***

Seconded by Councilor Smith and voted.

Main motion passed as amended.

- B. Second reading of 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)

Councilor Lown 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. Seconded by Councilor Coviello.

Councilor Lown said the Taxi Commission is opening this up to free market and the free market will speak.

Councilor Coviello said he supports the motion but does not feel we should limit the number of medallions and the Council should consider franchising taxi services.

Councilor Thorsen said he agrees with Councilor Coviello and we should not restrict the number of medallions. He indicated he would like to see 40 medallions made available.

Councilor Dwyer said she supports the suggestions and request of the Taxi Commission. She asked if the Commission has considered increasing the price of medallions and higher rates. Councilor Lown indicated the Commission has not discussed the matter but they could look into it. He suggested charging higher rates for certain hours.

Councilor Novelline Clayburgh expressed concern with the inspections for the additional taxes and that there should be more taxes available for late evenings.

Motion passed.

- C. Second reading of 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

Councilor Coviello 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. Seconded by Councilor Kennedy and voted.

X. 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.

- 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***

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

Councilor Smith announced that the Scarecrows of the Port will be put up this Thursday at 9:00 a.m. if anyone would like to assist in the process.

- 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

Councilor Coviello moved 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. Seconded by Councilor Novelline Clayburgh and voted. 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***

XI. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Letter from Daniel Dumont, LoMo Portsmouth LLC, requesting approval to place a dumpster at 86 Pleasant Street

Councilor Lown moved to refer to the City Manager with power. Seconded by Councilor Novelline Clayburgh and voted.

- B. Petition from Richards Avenue residents requesting concrete continuous sidewalks from Lincoln Avenue to South Street

Councilor Lown moved to approve continuous concrete sidewalks on Richards Avenue from Lincoln Avenue to South Street, as presented. Seconded by Assistant Mayor Lister.

City Manager Bohenko reported the Public Works Department has reviewed this matter and given the historic nature of this street, staff recommends this additional work be added to the contract so there are continuous sidewalks consistent with the historic conditions. He stated he feels comfortable that we are not setting a precedent and the cost will be absorbed into the budget.

Motion passed.

- C. Letter from Renee McCune, Portsmouth Lodge of Elks #97, regarding the safety of student runners exiting the trail from the woods onto the roadway

Councilor Kennedy moved to refer to the Parking and Traffic Safety Committee for report back. Seconded by Assistant Mayor Lister.

Councilor Dwyer said she heard the School Department took this matter up and changed the trail. City Manager Bohenko indicated the School Department has installed cones and we will be seeking volunteers at the end of the roadway to caution drivers of the runners.

Motion passed.

- D. Letter from Christopher Mulligan, Bosen & Associates, PLLC, regarding Amended Site Plan Approval for Property Located at 233 Vaughan Street and proposed Sidewalk License Agreement

Councilor Kennedy moved to refer to the City Manager with power. Seconded by Councilor Smith and voted.

- F. 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

Assistant Mayor Lister moved to refer to the City Manager with power. Seconded by Councilor Kennedy and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

- 1. Adoption of Transportation Policies
 - Complete Streets
 - Bicycle Friendly Community
 - Walk Friendly Community

City Manager Bohenko said he is submitting the three proposed policies for adoption by the Council.

Planning Director Taintor reviewed the Complete Streets Policy which are designed and operated to enable safe access for all users, including bicyclists, public transportation vehicles and riders, and pedestrians of all ages and abilities. He stated the Planning Department drafted the policy based on national models and examples, tailored to Portsmouth's specific conditions. The Complete Streets Policy will establish an overall framework for planning designing, constructing and maintaining a balanced transportation infrastructure in the City.

Transportation Planner Juliet Walker addressed the Bicycle Friendly Community and Walk Friendly Community Policies. She indicated that the City is working toward designation by the League of American Bicyclists as a Bicycle Friendly Community. She stated approximately 259 communities in the US have achieved this designation to date. In order to be awarded the designation there is an application process, and communities must meet a defined set of criteria. Transportation Planner Walker reported for the City to be able to apply for BFC and WFC designation in 2014, it will be necessary to demonstrate broad community support and marked progress in improving bicycle and pedestrian facilities.

Councilor Smith moved to adopt the Complete Streets Policy. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy expressed concerns that the word educate is not used more, how are we going to educate and who will be providing the education. City Manager Bohenko said there is an education aspect linked to the policies. He said we will provide the education much in the way we did when the City introduced the recycling program. He anticipates holding public meetings but we need to adopt the policies in order to move forward. Councilor Kennedy said we should put something on the website regarding the policies.

Councilor Lown thanked Planning Director Taintor and Transportation Planner Walker for their work on these policies and stated this is a step in the process.

City Manager Bohenko advised the Council these would be policies discussions and are part of the budget process. It may cause a need for more equipment to get the work done.

Assistant Mayor Lister said he supports the policies and we should move forward. He said this helps the City with transportation and could be part of the wayfinding when you enter the City.

Motion passed.

Councilor Lown moved to adopt the Bicycle Friendly Communities Policy. Seconded by Councilor Kennedy and voted.

Councilor Smith moved to adopt the Walk Friendly Communities Policy. Seconded by Councilor Novelline Clayburgh and voted.

2. 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

City Manager Bohenko reported the Planning Board reviewed this matter and voted unanimously to recommend the City not release its interest in Garden Street or Colonial Avenue.

Councilor Kennedy moved to accept the Planning Board's recommendation that the City not release its interest in Garden Street or Colonial Avenue. Seconded by Councilor Smith and voted.

3. Report Back Re: Request of Rob Sevigny of The Paper Patch, 36 Market Street, for an easement to restore a step on Ladd Street

City Manager Bohenko reported that the Planning Board is recommending a license rather than an easement for the replacement of the steps.

Councilor Smith moved 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. Seconded by Councilor Novelline Clayburgh and voted. 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*

B. MAYOR SPEAR

1. 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.

2. Appointment to be Voted:
 - Ronald Zolla – Reappointment to the Economic Development Commission

Councilor Lown moved to reappoint Ronald Zolla to the Economic Development Commission until October 1, 2017. Seconded by Assistant Mayor and voted.

3. Resignations
 - Robin Rousseau from the Zoning Board of Adjustment
 - Aaron Lawson from the Taxi Commission

Councilor Smith moved to accept with regret the resignation of Robin Rousseau from the Zoning Board of Adjustment and the resignation of Aaron Lawson from the Taxi Commission. Seconded by Assistant Mayor Lister and voted.

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

C. COUNCILOR KENNEDY

1. Coalition Communities – Wastewater Treatment Plants

Assistant City Attorney Woodland and Public Works Director Rice provided a presentation to the Council on this matter. Public Works Director Rice thoroughly reviewed the memorandum dated October 2, 2013. He reviewed the investments made by the City to our infrastructure. Director Rice spoke to the City Council regarding the history of working with other communities to level our dollars and get more bang for our buck. He also addressed the success of the Coalition in evaluating more technology for the building of a new wastewater treatment plant. Public Works Director Rice addressed the PEER Review process stating we need to make sure the science used is correct and there is a measured response to the efforts and that the science supports the City's position.

Assistant City Attorney Woodland stated that the City was not heard originally and reviewed the process which was followed for the regulatory permit and the progress we have made. She indicated that a 3 mg/L would have huge consequences and the science is important because it would have an impact on Pease as well. Assistant City Attorney Woodland spoke to the importance of understand what is happening in the Great Bay and Piscataqua River and everyone recognizes that and the question is how we get there. She indicated through a collaborative effort we are getting an independent PEER Review. She addressed the two pieces of litigation pending.

City Manager Bohenko said the staff has a fiduciary responsibility to do what is in the best interest of the City. He said the easy way would have been to accept what was said to the City but we did not. He also stated we're preserving Peirce Island, where the original proposal would have destroyed it and we were in no way trying to delay anything. He indicated that the costs are coming from the general fund and that it is not wrong to ask the questions the staff is asking. Public employees often get criticized for asking the questions but it was the right thing to do and the objective of the Council was to get a PEER Review and that has been granted.

Councilor Kennedy moved that the City of Portsmouth withdraw from being one of the remaining three coalition communities linked to wastewater treatment plants. Seconded by Councilor Thorsen.

Councilor Kennedy stated she respects all the information brought forward to this point but sometimes you need to know when to move forward. She said the amount of money is all over the place and 4 communities have pulled out of the Coalition.

Public Works Director Rice spoke to the cost for the PEER Review and discussed the frame work for the storm water. He said the Council made a decision to move forward with 8 mg/L and the EPA has not made a decision or given a permit or put anything in writing. He said the Town of Exeter's permit has storm water requirements as part of their permit and they have been given 3mg/L permit. Director Rice advised the City Council if you do not meet the requirements of a water quality permit, the EPA can go in and dictate to property owners what they must do in order to meet such requirements.

Councilor Dwyer indicated it is important to not lose the public on this as the Council voted to do the wastewater treatment plant and we are moving forward. The regulatory frame work is an important reason to stay in the process. She stated we could be held to standards and fined every day for not meeting those standards. Councilor Dwyer said people are missing the point why we are trying to have the PEER Review.

Assistant Mayor Lister thanked Director Rice and Assistant City Attorney Woodland for their work on this matter. He asked what the time line is for the PEER Review. Assistant City Attorney Woodland said the review would be completed by the end of January, 2014.

Councilor Coviello said we can't pull out because we do not have a permit yet.

Councilor Lown said the EPA needs to be more careful about internal e-mail. Portsmouth cares about the environment, and education gives a voice to the small and powerless.

Councilor Novelline Clayburgh said she would vote against the motion and that we need to continue with the Coalition.

Assistant City Attorney Woodland said the City Council is empowered to make decisions based on what is in the best interest of the City.

Mayor Spear passed the gavel to Assistant Mayor Lister.

Mayor Spear said working together is important and having a positive approach.

Assistant Mayor Lister returned the gavel to Mayor Spear.

Councilor Smith said we need to remember storm water is coming next.

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.

2. 400th Year Celebration

Councilor Kennedy moved that the City Manager work with Dennis Robinson on his proposal to collect and interpret 400 years of history in preparation of our 400th year celebration and to bring back a proposal at the October 21, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh.

Councilor Kennedy said we need to move forward with planning for our 400th Anniversary Celebration.

Assistant Mayor Lister said he appreciates Councilor Kennedy bringing this matter forward and he would feel honored to have Dennis Robinson as part of the celebration but we should create a committee and look at all aspects of the celebration.

Assistant Mayor Lister moved to amend the motion and form a committee to look at all aspects of a 400th Celebration Committee. No second to the motion was received.

Councilor Thorsen asked if this needs to be done now or after the new City Council is elected.

Councilor Kennedy said Dennis Robinson needs time to do this and would like City Manager Bohenko to review the request of Mr. Robinson to put this in place.

Councilor Coviello said we should have City Manager Bohenko look into this and report back in January.

Councilor Kennedy withdrew the original motion.

Councilor Kennedy moved 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 400th year celebration. Seconded by Councilor Thorsen and voted.

3. Adopt a Spots

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.

D. COUNCILOR LOWN

1. Parking Impact Fee Re: Restaurants

Councilor Lown requested a report back outlining the history of this item.

2. Letter Re: Christmas Event

Councilor Lown will communicate back with Mr. Fischer regarding his request.

Councilor Dwyer said we already have Vintage Christmas and the City is earlier than the Dickens era.

E. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the September 12, 2013 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of September 12, 2013. Seconded by Assistant Mayor Lister and voted. Councilor Kennedy voted opposed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

At 10:50 p.m., Councilor Lown moved to adjourn. Seconded by Councilor Smith and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk