

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, NOVEMBER 18, 2013

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

At 6:00PM, An Anticipated "Non-Meeting" with Counsel was held Re: Personnel Matters – RSA: 91-A:2, I (b-c)

I. CALL TO ORDER

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

II. ROLL CALL

PRESENT: Mayor Spear, Assistant Mayor Lister, Councilors Coviello, Kennedy (via conference call until 9:45 p.m.), 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 Thorsen led in the Pledge of Allegiance to the Flag.

V. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this meeting)*

VI. PUBLIC COMMENT SESSION

Mayor Spear announced that he will be withdrawing the applications for consideration of appointment for Lisa Comack as an Alternate to the Zoning Board of Adjustment and Gibson "Mike" Kennedy as an Alternate to the Planning Board.

Tom Carroll thanked the City Council for responding to the issues relating to the Port of NH. He stated that the Port is not self supporting and that they have been losing money for years. Mr. Carroll advised the Council and residents that he has created a website regarding the Port and urged people to view it. The website address is as follows:
www.PortofNewHampshire.org.

Rick Horowitz spoke opposed to Mayor Spear's last minute appointment requests and that he is pleased that he has withdrawn them for consideration by the City Council.

Nicole LaPierre spoke regarding the mismanagement of 21 Brewster Street Boarding House. She said improvements have never been made, and what is done is the minimum. She stated things are not going well and are causing issues for the businesses in the area. She urged the City Council to take action regarding the issues at the Boarding House.

Julie Ross said the Brewster Street Boarding House units are still not compliant and reported that there have been 43 calls to 21 Brewster Street through October 31st. She spoke to the current management set up and urged the Council to make sure the requirements for the Boarding House License are being met.

Jay Dennett requested the City Council to do what is necessary for full time management of 21 Brewster Street. He spoke to some of the calls that have taken place at 21 Brewster Street and said baby steps are no longer acceptable.

Brianna Martin read a proposal on behalf of the Islington Creek Neighborhood. She stated that the owner of 21 Brewster Street has been given a number of extensions and there is a need for full time management and there needs to be something done to address the issues at the boarding house.

George Freeman stated he has lived at 21 Brewster Street for the last two years. He said there is a need for proper management at the boarding house and the owner does not want to address the problems at the site. Mr. Freeman also stated it is dangerous to live at the boarding house and urged the City Council to take whatever action is necessary to ensure the safety of those residing at 21 Brewster Street.

Rick Becksted thanked Mayor Spear for withdrawing the appointments. He feels it is the right decision for the new City Council. He further stated that the form-based zoning should also be withdrawn and discussed with the new Council.

Duncan MacCallum asked why the building height with form-based zoning will change to 60ft versus 45 ft limit. He said he heard there have been changes to the ordinance at the recommendation of the Historic District Commission.

Dick Bagley said he was going to speak to board appointments but now that Mayor Spear has withdrawn them it is no longer necessary. He further stated that the City Councilor sitting on the Planning Board should be the one making the recommendations for appointments.

Claire Kittredge spoke opposed to putting the form-based zoning forward before the new City Council is seated. She said she is opposed to the 60ft height limit and that it should be 45ft. She feels that this ordinance would tie the hands of the new Council and the tools for the Historic District Commission should not be paid by taxpayers.

Joe Caldarola thanked the City Council for their dedicated service. He stated form-based zoning needs to slow down and urged the Council to use caution.

Dan Freund spoke to the tools and guidelines for the Historic District Commission. He said applicants need a frame of reference for presenting proposals.

Joshua DeMarco spoke in support of the funding request for the Historic District Commission. He views the land use boards as insurance on his investment in the City. The Historic District Commission protects the character of the City.

VII. PUBLIC HEARING

- A. RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF UP TO ONE HUNDRED AND FIFTY THOUSAND DOLLARS (\$150,000.00) FROM UNASSIGNED FUND BALANCE FOR NECESSARY EXPENDITURES WITHIN THE PLANNING DEPARTMENT FOR DESIGN REVIEW TOOLS

Principal Planner Cracknell made a brief presentation and spoke to the last six months of work on the design review tools for the Historic District Commission. He indicated that the tools won't solve all the problems but will provide a framework to assist the Historic District Commission in its design review responsibilities:

1. 3-D Model for Building in Downtown Portsmouth: The Historic District Commission (HDC) proposed to engage an outside consultant to develop an electronic three-dimensional model of existing buildings in the core commercial areas of the downtown area, using the City's Geographic Information System and extensive database as the foundation.
2. Building Design Guidelines: The HDC is proposing to develop a set of detailed Design Guidelines to assist in the preservation of Portsmouth's historic buildings by providing technical guidance to residents and their contractors in planning changes and additions to their homes.
3. Update the Historic Survey of the Historic District: The HDC is proposing that an historic survey comparable to the 1982 survey be conducted for approximately 200 properties: the 170 properties that have been added to the Historic District since 1982, and about 30 additional properties that are currently being considered for inclusion in the District along Richards Avenue, Summer Street and Austin Street. A detailed historic district survey forms would be developed for each structure, documenting its age, historic name, rating, architectural style, materials and any specific features.

Joe Almeida, Chair of HDC, thanked Principal Planner Cracknell for the presentation. He said in February the HDC put together a list of goals and things to improve upon.

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

Dawn Pantelakos spoke in support of the funding and stated that the HDC does a great deal of hard work. She indicated that these tools are much needed.

Kerry Vautrot, Chair of Portsmouth Advocates, spoke in support of the funding for HDC tool guide and that this will streamline the certificate of appropriateness.

Dan Rawling spoke in support of the need for guidelines for the HDC and stated until there are clear guidelines for people there will be longer discussions.

Reagan Rudig HDC member, spoke in support of the presentation and the need for guidelines for the HDC. The model will take the guess work out of proposals and thanked the City Council for their support.

Gerry Zelin said models are needed to gauge the impact to the City with developments for the HDC. He said guidelines are needed for applicants and said this is an excellent proposal and would allow the HDC to do their jobs correctly.

Joe Caldarola spoke in favor of the tool kit but is not in agreement to fund it out of the general fund. He suggested funding it through raising applicant fees.

Christine Davidson applauded the suggestions and presentation for tools to be used for the HDC. She said we need to remember what the HDC is charged with in the zoning ordinance. She said appropriate review of plans is required by the HDC.

Dan Freund said he is a property owner and there are no guidelines for him and what he would like to do with his property. He urged the City Council to adopt the Resolution for the tools needed for the HDC.

Dick Bagley said going through the HDC is a difficult process and he strongly supports the funding for the HDC tools. He stated that Principal Planner Cracknell does a great job and is very technical.

After three calls and no further speakers, Mayor Spear declared the public hearing closed.

Assistant Mayor Lister moved to suspend the rules to move up Item XII. A.2. – Boarding House License Extension Re: 21 Brewster Street. Seconded by Councilor Smith. On a roll call 8-0, voted to suspend the rules in order to take up Item XII. A.2. – Boarding House License Extension Re: 21 Brewster Street. Councilor Lown abstained from voting on this matter.

XII. A.2. Boarding House License Extension Re: 21 Brewster Street

Councilor Coviello moved to extend the Boarding House Permit for 21 Brewster Street with stipulations as requested by the City Council, to March 4, 2014 to put it on the annual permit cycle with the other two boarding house permits. Seconded by Assistant Mayor Lister for discussion purposes.

Councilor Coviello asked if the current property manager has left or will be leaving.

Councilor Coviello moved to suspend the rules in order to allow Attorney Hoefle who is representing Mr. Hogan to address the City Council on the Boarding House License Extension regarding 21 Brewster Street. Seconded by Councilor Dwyer.

On a roll call 8-0, voted to suspend the rules in order to allow Attorney Hoefle who is representing Mr. Hogan to address the City Council on the Boarding House License Extension regarding 21 Brewster Street. Councilor Lown abstained from voting on this matter.

Attorney Hoefle stated that Mr. Brabazon is not intending to leave as manager. He informed the Council that Mr. Hogan has medical issues and was advised by his physicians not to attend this meeting due to his stress issues. Attorney Hoefle reported that the last inspection of the premises only saw issues with 3 rooms which contained bed bugs. He stated that Mr. Brabazon has only received 3 calls to the premises and 2 calls from the Islington Creek Neighborhood.

Assistant Mayor Lister stated there has been some progress with the facility but his concern is with there being no full time professional management company. He asked City Attorney Sullivan how far the City can go with this. City Attorney Sullivan said if the Council does not extend the permit the building will continue to operate without a permit and added either the City would need to file suit against Mr. Hogan or Mr. Hogan could file suit against the City for not renewing the permit. He further indicated that he does not feel the City or judge would evict the tenants. Assistant Mayor Lister said basically the Council needs to vote to avoid any lawsuits.

Attorney Hoefle said things are getting better and dialogue is important. He would meet with the City Council, City staff or the public on this matter.

Councilor Coivello said the City Council wants full time management for the site. He said with forty plus calls to the Police Department this year the neighborhoods want to see full time professional management. He said there are many companies that could provide full time professional management.

Councilor Novelline Clayburgh said one of the stipulations in the permit is for full time professional management. She thought it would be implemented and feels the stipulation has not been met.

Councilor Dwyer said the issue is what the meaning of full time professional management is. She said with the evidence provided by Attorney Hoefle having Mr. Brabazon being on call was in Mr. Hogan's opinion, meeting the stipulation. Councilor Dwyer said the Council needs to decide the definition of full time professional management.

Attorney Hoefle said if Councilor Coviello has a list of companies that could provide full time professional management he would like to be sent a copy of the list.

Councilor Smith said if the situation changes with Mr. Brabazon, Attorney Hoefle would address the issue as soon as possible. He said there is a lack of communication between the boarding house, tenants and the Islington Creek Neighborhood. He feels that the sign outside should be changed to say if there are concerns they should contact Mr. Brabazon. A meeting with City Attorney Sullivan, Deputy City Manager Allen, Attorney Hoefle needs to occur and include the Islington Creek Neighborhood.

Councilor Thorsen asked if there are issues with tenants, who should they call. Attorney Hoefle said Mr. Brabazon or himself. Councilor Thorsen asked for a list of all calls made to the Police Department regarding the premises.

Councilor Coviello said he feels it is a passive system right now and he would like an active system where a log is kept of items.

Attorney Hoefle suggested the Council direct the City Attorney to develop a definition for full time professional management which can be agreed upon by Mr. Hogan, Islington Creek Neighborhood and the City.

Mayor Spear asked if the maker of the motion would withdraw and extend the permit for 1 month.

Councilor Coviello withdrew the motion and Assistant Mayor Lister withdrew his second to the motion.

City Manager Bohenko said if the Council wants to weigh in on this matter the permit should expire on December 17, 2013.

Councilor Coviello moved to extend the Boarding Housing Permit for 21 Brewster Street with stipulations as requested by the City Council, to December 17, 2013. Seconded by Assistant Mayor Lister.

Assistant Mayor Lister said the Islington Creek Neighborhood should have a representative at the meeting with the City Attorney and Attorney Hoefle.

On a roll call 8-0, voted to extend the Boarding House Permit for 21 Brewster Street with stipulations as requested by the City Council, to December 17, 2013. Councilor Lown abstained from voting on this matter.

Stipulations are as follows:

- *Extend the current permit through December 17, 2013 with an inspection and report back prior to further extension*
- *Maintain full time professional management of the facility; such management firm having the ability to respond to municipal inquiries and requests 24/7*
- *Integrated pest management (IPM) to be maintained on monthly basis with follow-up inspection and applicable treatment in accordance with applicable treatment protocol in the event of pest detection. Monthly reports and follow-ups shall be delivered to the Health Department*
- *Require all common floors to remain non-porous and non-absorbent with cleanable surfaces*
- *Soiled or infested bedding shall be disposed of and not re-used*
- *Correction of all deficiencies from the annual inspection prior to permit issuance*
- *Permitee agrees to allow unannounced inspections of all common areas of the property and to allow similar inspections of tenant rooms with the permission of the tenants*
- *Permitee agrees that any failure to comply with these conditions, after a reasonable cure period, is adequate grounds for termination of the permit*

- *The professional management described in the second bullet above shall have the full authority of the permittee to take those actions necessary to maintain compliance with the permit*
- *The professional management described in the second bullet above shall be provided with the complete authority to maintain open communications with the neighborhood, the tenants of the property and the City with regard to all issues concerning the property*

IX. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance amending Chapter 7, Article IV, Section 7.402 – Areas Established, Designated and Described, Off-Street Parking Areas, Add Leary Field Parking Area, not to exceed 72 hours at one time

Councilor Novelline Clayburgh moved to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 2, 2013 City Council meeting. Seconded by Councilor Coviello.

On a unanimous roll call 9-0, voted to pass first reading and schedule a public hearing and second reading of the proposed Ordinance, as presented, at the December 2, 2013 City Council meeting.

- B. First Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay District, Section 10.630 – Historic District

Councilor Coviello moved to pass first reading and schedule a public hearing and second reading of the proposed zoning ordinance as presented, at the December 2, 2013 City Council meeting. Seconded by Councilor Novelline Clayburgh.

On a unanimous roll call 9-0, voted to pass first reading and schedule a public hearing and second reading of the proposed zoning ordinance as presented, at the December 2, 2013 City Council meeting.

- C. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning)

Councilor Thorsen moved to postpone the ordinance until January, 2014. Seconded by Councilor Kennedy.

Councilor Thorsen said he is in favor of Character Based Zoning if it is done correctly. He said we need to go through the process and stated having public comment at public hearing will be sufficient. He said people do not understand the ordinance and we need to have an open forum prior to the public hearing to explain the ordinance.

Councilor Dwyer said the process in the City is at public hearing and second reading we provide a detailed presentation. She does not feel the ordinance is that complicated but it takes time to work through it. She stated there needs to be more questions and answers at second reading. Councilor Dwyer said we may need a different opportunity maybe a work session for people to ask questions but we need to move forward with the process.

Councilor Lown asked when third and final reading would take place and what kind of presentation would be done at second reading.

City Manager Bohenko said we would take direction from the Council on what you would like for a presentation. He said the Planning Department would provide a long detailed presentation at second reading prior to the public hearing. He also indicated that third reading would be on December 16, 2013.

Councilor Lown said he agrees with Councilor Dwyer's comments. This is what many people in the City have been asking for and we should not put it off.

City Manager Bohenko said at the public hearing you would need to suspend the rules to allow back and forth discussion and questions and answers with the public. He further stated it would be different from how other public hearings are held.

Councilor Coviello stated he agrees with the motion on the floor because he was involved in the ordinance re-write. He understands why we should move forward but he also hears reason for delaying.

City Attorney Sullivan stated the safer course of action is to delay first reading until January.

Councilor Novelline Clayburgh said she would not support the motion. She feels this Council should make the decision on Character Based Zoning. She said the public has had many opportunities to express their opinions. She said the Planning Board has looked at this for several months and the Historic District Commission has also look at this.

Councilor Dwyer said a problem will be people will put forth a patchwork ordinance. We need to collect what the questions and concerns are.

Councilor Smith said he would not support the motion. He feels the ordinance should go to second reading and public hearing. He asked the City Attorney if the ordinance did not pass would we need to start the process over. City Attorney Sullivan said the process would need to start over.

Councilor Thorsen said moving ahead gives the public more time to speak and review the ordinance.

Councilor Kennedy said she would support the motion because she has heard from the public. She said we started with the Charettes and working around the table and we should end with a Charette. Councilor Kennedy said she would like the City Manager to set up a Friday – Saturday or Sunday to allow for a public forum with staff available.

Assistant Mayor Lister said we need as much public input as possible. He said people have had opportunities to provide input on the ordinance and he would vote to postpone.

Councilor Lown said we could pick a day where Planner Nick Cracknell and Planning Director Rick Taintor provide a presentation publically and provide for public input. He does not feel we are rushing through the ordinance. He said the ordinance is thorough, thoughtful and detailed.

City Manager Bohenko said we could start the December 2, 2013 meeting with a presentation at 6:00 p.m. and we do not have to start the Council meeting at 7:00 p.m.

Councilor Dwyer said based on questions raised at the meeting we could vote at second reading whether to move forward or not.

On a roll call 5-4, voted to postpone the ordinance until January, 2014. Assistant Mayor Lister, Councilors Coviello, Kennedy, Thorsen and Mayor Spear voted in favor. Councilors Novelline Clayburgh, Lown, Dwyer and Smith voted opposed.

- D. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance - Miscellaneous Conforming Amendments

Councilor Thorsen moved to postpone the ordinance until January, 2014. Seconded by Councilor Coviello.

On a roll call 7-2, voted to postpone the ordinance until January, 2014. Assistant Mayor Lister, Councilors Coviello, Kennedy, Lown, Smith, Thorsen and Mayor Spear voted in favor. Councilors Novelline Clayburgh and Dwyer voted opposed.

Councilor Dwyer said if we really want the public to be involved and part of the process, we should think about a work session or presentation at the Library on the ordinance.

Mayor Spear said in the next couple months we can work on holding a work session or public presentation.

- E. Adoption of Resolution Authorizing a Supplemental Appropriation of up to One Hundred and Fifty Thousand Dollars (\$150,000.00) from Unassigned Fund Balance for necessary Expenditures within the Planning Department for Design Review Tools

Councilor Novelline Clayburgh moved to adopt the proposed Resolution Authorizing a Supplemental Appropriation of up to One Hundred and Fifty Thousand Dollars (\$150,000.00) from Unassigned Fund Balance for necessary Expenditures within the Planning Department for Design Review Tools. Seconded by Assistant Mayor Lister.

Mayor Spear advised the Council that a two-thirds vote is required for adoption of the Resolution.

Councilor Dwyer asked if the funding includes training because we need to make sure there is training. City Manager Bohenko said he would make sure that funds would include training.

Councilor Thorsen asked if we would need more staff once this is put in place. City Manager Bohenko said he would need to look at that once the tools are put in place.

Discussion followed between the Council and Planner Nick Cracknell on the tools and how they would work.

Councilor Smith said he is concerned that the guidelines for the Historic District Commission indicate that they're guidelines and not rules.

Councilor Kennedy urged the Council to adopt the Resolution and move forward with the tools for the Historic District Commission.

On a unanimous roll call 9-0, voted to adopt the proposed Resolution Authorizing a Supplemental Appropriation of up to One Hundred and Fifty Thousand Dollars (\$150,000.00) from Unassigned Fund Balance for necessary Expenditures within the Planning Department for Design Review Tools.

Councilor Kennedy left the conference call at 9:45 p.m.

At 9:45 p.m., Mayor Spear called a brief recess. At 9:50 p.m., Mayor Spear called the meeting back to order.

X. CONSENT AGENDA

- A. Letter from Zachary Taylor and Alex Marshall, Co-Founders, Santa Ski NE requesting permission to hold Santa Ski New England 2013 on November 30, 2013 on the premises of the Isles of Shoals Steam Ship Company ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Doug Bates, President Portsmouth Chamber of Commerce, requesting permission to hold the following races for the 2014 Portsmouth Community Road Race Series:
- Great Bay Services – Resolution 5K - January 1, 2014
 - Easter Seals Veteran's Count, Pack & Boots 5K – May 17, 2014
 - Sex Assault Support Services – 5k to Keep Kids Safe – June 8, 2014
 - Portsmouth Rotary Club – Thunder Chicken – August 23, 2014
 - Breast Cancer Stories – Celebrate Pink – September 13, 2014
 - Prescott Park Arts Festival/Community Child Care Child – ISM Memorial 5k – October 11, 2014
 - Seacoast Rotary Club – Turkey Trot – November 27, 2014
- (Anticipated action – move to refer to the City Manager with power)***
- C. Letter from Tracey Tucker, Executive Director, New Heights, requesting permission to hold 5th annual St. Paddy's 5 Miler on Sunday, March 16, 2014 at Pease Tradeport ***(Anticipated action – move to refer to the City Manager with power)***
- D. Letter from Kim Blanchard, Development Coordinator, National Multiple Sclerosis Society, Greater New England Chapter, requesting permission to hold 2014 Walk MS Portsmouth on Saturday, April 12, 2014 ***(Anticipated action – move to refer to the City Manager with power)***

- E. Letter from Karen Butz Webb, Executive Director, Project Safety Association, requesting permission to hold 3rd Annual Project Safety 5K Road Race on Saturday, September 29, 2014 (***Anticipated action – move to refer to the City Manager with power***)
- F. Acceptance of Donations for Art-Speak
- Robin Albert - \$175.00
- (***Anticipated action – move to accept and approve the donations to Art-Speak for the General Administration line item, as presented***)
- G. Acceptance of Donation to the Coalition Legal Fund
- Town of Bridgewater - \$1,000.00
- (***Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund***)
- H. Request for License from Barbara Newton, President of The Player's Ring, for property located at 105 Marcy 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 Barbara Newton, President of the Player's Ring, for a projecting sign at property located at 105 Marcy 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 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. Request for License from Enrico's Management, LLC, owner of Enrico's Deli for property located at 41 Congress 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 Enrico's Management, LLC, owner of Enrico's Deli for a projecting sign at property located at 41 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 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**

J. Request for License from John Bajoras, owner of Village Silversmith, for property located at 75 Congress 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 John Bajoras, owner of Village Silversmith for a projecting sign at property located at 75 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 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**

K. Request for License from Dave Campbell, owner of Ceres Street Wine for property located at 39 Ceres 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 Dave Campbell, owner of Ceres Street Wine for a projecting sign at property located at 39 Ceres 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 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***

- L. Request for License from Jessica Roy, owner of Pawtsmouth Grooming Salon for property located at 85 Daniel 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 Jessica Roy, owner of Pawtsmouth Grooming Salon for a projecting sign at property located at 85 Daniel 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 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***

- M. Request for License from Karen Hayes and Betsy Montgomery, owner of Pretty Poppy for property located at 45 Market 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 Karen Hayes and Betsy Montgomery, owner of Pretty Poppy for a projecting sign at property located at 45 Market 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 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***

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

XI. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Letter from Steven Wilson Re: 143 Daniel Street – Exchange of Easements

Councilor Lown moved to refer to the Planning Board for a report back. Seconded by Councilor Coviello and voted.

- B. Letter from James G. Boyle, Trustee, 150 Greenleaf Realty Trust Re: Sewer Line

Councilor Coviello moved to accept and place the letter on file. Seconded by Councilor Novelline Clayburgh and voted.

- C. Letter and Petition from Islington Creek Neighborhood Association Re: Full-time Professional Management – 21 Brewster Street

Councilor Coviello moved to accept and place the letter on file. Seconded by Assistant Mayor Lister and voted.

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

1. License Request Re: Insurcomm, 30-32 Daniel Street

City Manager Bohenko reported that Insurcomm is requesting a license through January 17, 2014 to encumber the sidewalk in front of 30-32 Daniel Street to complete restoration work following the fire at that location. The restoration work is currently being completed under an encumbrance permit which is due to expire December 5, 2013. He indicated that staff has no objection to the granting of a license provided that it includes terms and conditions similar to those already contained in the encumbrance permit. He also indicated there is anticipated to be intermittent use of metered parking spaces which will be handled by purchasing meter bags.

Councilor Novelline Clayburgh moved to authorize the City Manager to negotiate and enter into a license with Insurcomm to facilitate restoration activities at 30-32 Daniel Street. Seconded by Councilor Coviello and voted.

Councilor Smith requested that snow removal be part of Insurcomm's responsibilities and not the City's.

B. MAYOR SPEAR

1. Appointments to be Considered

Mayor Spear withdrew the applications for consideration of appointment for Lisa Comack as an Alternate to the Zoning Board of Adjustment and Gibson "Mike" Kennedy as an Alternate to the Planning Board.

2. Resignation – Richard DiPentima from the Conversation Commission

Councilor Smith moved to accept with regret the resignation of Richard DiPentima from the Conservation Commission. Seconded by Assistant Mayor Lister and voted.

Councilor Smith requested that a letter of thanks and appreciation be sent to Mr. DiPentima for his service to the City.

C. COUNCILOR LOWN

1. Letter from Bert Cohen, Chairperson of the Mayor's Blue Ribbon Committee on Sustainability Re: Septic Sludge Treatment

Councilor Lown moved to refer to the City Manager for a report back. Seconded by Councilor Novelline Clayburgh and voted.

D. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 10, 2013 meeting

Councilor Smith moved to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of October 10, 2013. Seconded by Councilor Novelline Clayburgh.

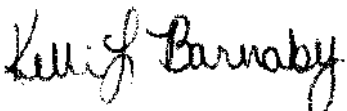
Councilor Smith reported that there are no items which require an ordinance change.

Motion passed.

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

XIV. ADJOURNMENT

At 10:00 p.m., Councilor Smith moved to adjourn. Seconded by Councilor Coviello and voted.



Kelli L. Barnaby, CMC/CNHMC
City Clerk