

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 7, 2013 TIME: 7:00PM

AGENDA

- 6:30PM – CITY COUNCIL PHOTOGRAPH

- I. CALL TO ORDER [7:00PM or thereafter]
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Trustees of the Trust Funds Report

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

VI. PUBLIC COMMENT SESSION

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
- 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)
- 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

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 (***Sample motion – move to approve and accept the Grant to the Portsmouth Police Department, as listed***)

- US Department of Justice 2013 Internet Crimes Against Children Task Force Grant for the New Hampshire ICAC Task Force - \$256,253.00 (***Sample motion – move to approve and accept the Grant to the Portsmouth Police Department, as listed***)

B. *Acceptance of Donation to the Coalition Legal Fund

- Town of Rye - \$5,000.00

(Anticipated action – move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund)

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
- 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)
- 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

X. CONSENT AGENDA

A MOTION WOULD BE IN ORDER 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***

- 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 (***Anticipated action – move 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***)

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 (***Sample motion – move to refer to the City Manager with power***)
- B. Petition from Richards Avenue residents requesting concrete continuous sidewalks from Lincoln Avenue to South Street (***See City Manager’s Comment XII. A.2.) (Sample motion – move to approve continuous concrete sidewalks on Richards Avenue from Lincoln Avenue to South Street, as presented)***)
- 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 (***Sample motion – move to refer to the Parking and Traffic Safety Committee for report back***)
- 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 (***Sample motion – move to refer to the City Manager with power***)
- 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 (***Sample motion – move to approve and accept the recommendation of the Recreation Board***)
- 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

XII. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

Items Which Require Action Under Other Sections of the Agenda

1. Public Hearing/Second Reading of Proposed Ordinance Amendments:
 - 1.1 Public Hearing/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 (***Action on this matter should take place under Section IX of the Agenda***)

- 1.2 Public Hearing/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) (**Action on this matter should take place under Section IX of the Agenda**)
 - 1.3 Public Hearing/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 (**Action on this matter should take place under Section IX of the Agenda**)
2. Richards Avenue Residents' Request (**Action on this matter should take place under Section XI of the Agenda**)

City Manager's Items Which Require Action

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

Informational Items

1. Events Listing
2. Coalition Communities Update
3. Fall 2013 Household Hazardous Waste Day

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

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

C. COUNCILOR KENNEDY

1. *Coalition Communities – Wastewater Treatment Plants (***Proposed motion – move that the City of Portsmouth withdraw from being one of the remaining three coalition communities linked to wastewater treatment plants***)
2. *400th Year Celebration (***Proposed motion – move 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 proposal at the October 21, 2013 City Council meeting***)
3. *Adopt a Spots

D. COUNCILOR LOWN

1. *Parking Impact Fee Re: Restaurants
2. Letter Re: Christmas Event

E. COUNCILOR SMITH

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the September 12, 2013 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of September 12, 2013***)

XIII. MISCELLANEOUS/UNFINISHED BUSINESS

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

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


INFORMATIONAL ITEMS

1. Notification that the Zoning Board of Adjustment Minutes of the July 16, 2013 meeting are available on the City's website for your review

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

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: October 3, 2013
To: Honorable Mayor Eric Spear and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on October 7, 2013 City Council Agenda

6:30 p.m. – City Council Photograph

On Monday evening, a photograph will be taken of the City Council at 6:30 p.m.

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Presentation:

1. **Trustees of the Trust Funds Reports.** As requested on Monday evening, representatives from the Trustees of the Trust Funds will give an update to the City Council on their activities including a review of the MS-9 and MS-10 (see attached). For your information, Trustees included Phyllis Eldridge, Chair; Dana Levenson and Thomas Watson.

Acceptance of Grants and Donations:

1. **Acceptance of Police Department Grants.** Attached under Section VIII of the Agenda is a memorandum, dated September 18 2013, from John F. Golumb, Chairman of the Portsmouth Police Commissioners, and Police Chief Stephen J. DuBois, requesting that the City Council approve the following grants:
 - a. A grant in the amount of \$30,000 has been received from the New Hampshire Department of Justice toward Portsmouth's participation in the Attorney General's Drug Task Force.
 - b. The 2013 Internet Crimes Against Children Task Force grant in the amount of \$256,253 has been received from the US Department of Justice. Portsmouth serves as the headquarters for the New Hampshire ICAC Task Force. This grant allocation will be distributed around the state among participating ICAC satellites.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

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

2. **Acceptance of Donation to the Coalition Legal Fund.** The Town of Rye has donated funds in the amount of \$5,000.00 to the Coalition Legal Fund, which will be utilized to continue our fight to eliminate the statewide property tax.

I would recommend the City Council move to approve and accept the donation, as listed, to be placed in the Coalition Legal Fund. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. **Public Hearing/Second Reading of Proposed Resolution and Ordinance Amendments:**

- 1.1 **Public Hearing/Second Reading of Proposed 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.** As a result of the September 16th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed Ordinance. Prior to the public hearing, Peter Loughlin, Chairman of the Trees & Public Greenery Committee, will give a brief summary of the proposed Ordinance.

The proposed Ordinance would replace the current Trees and Public Greenery Ordinance with the following:

1. The creation of a Trees and Public Greenery Committee consisting of nine (9) voting members primarily selected by the Mayor and City Council but with the addition of the City Manager, Tree Warden, Public Works Foreman in charge of tree maintenance or their respective designees, all ex-officio.
2. The Committee will advise and assist the City's Tree Warden (to be described below) with respect to virtually anything involving the, "City's Urban Forest". This function will include dealing with arborcultural, horticultural, aesthetic and public safety concerns as well as the preparation of an annual report summarizing all activity relating to the ordinance for the City Council.

3. The ordinance would create the position of “Tree Warden” who shall be a member of the City’s administrative staff appointed by the City Manager.
4. The stated purpose of the ordinance is based upon the finding that, “the value of urban trees can hardly be overstated”.
5. An explicit responsibility of the City under the ordinance will be to:
 - a. Establish on public lands and public rights of way, as many trees as can be maintained in a suitable and aesthetically pleasing way.
 - b. Encourage the planting of trees that will represent a diversity of species and age classes and which are not invasive.
 - c. Regulate and enforce the planting and maintenance of trees on City property.
 - d. Establish limits on the amount of disturbance of trees that may take place on public property.
6. The Tree Warden created by the ordinance will be provided with, “responsibility for the enforcement of this ordinance and all applicable provisions of state law” this authority will include the authority to institute legal proceedings operating through the City’s Legal Department.
7. The Tree Warden will have both the authority and the duty to order, “trimming, spraying, preservation and/or removal of trees upon property owned or controlled by the City, or in any City right-of-way” in a manner consistent with the ordinance.
8. The ordinance will expressly prohibit planting, cutting, pruning or taking virtually any action with respect to trees located in any public right-of-way, public park or other public property without approval of the Tree Warden.
9. The ordinance will authorize persons to remove trees in the public right-of-way or public places, however, the action cannot be taken absent a permit issued by the Tree Warden after a public hearing to be held by the Committee.
10. An important new provision in the ordinance would be to authorize the Committee to enforce tree related provisions which may be placed on private property site plans or the public rights-of-way by the Planning Board.
11. Violations of the proposed ordinance would subject the violator to a fine of up to \$1,000.00 per violation and make that person liable to the City for all costs of replacing any damages to City property or any other damages allowable by law.

I would recommend the City Council move 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. Action on this matter should take place under Section IX of the Agenda.

- 1.2 **Public Hearing/Second Reading of Proposed 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).** As a result of the September 16th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed Ordinance.

I would recommend the City Council move 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. Action on this matter should take place under Section IX of the Agenda.

- 1.3 **Public Hearing/Second Reading of Proposed 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.** As a result of the September 16th City Council meeting, under Section VII of the Agenda, I am bringing back for public hearing and second reading the attached proposed Ordinance and map delineating area to be covered.

I would recommend the City Council move 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. Action on this matter should take place under Section IX of the Agenda.

2. **Richards Avenue Residents' Request.** Attached under Section XI of the Agenda is a petition from Richards Avenue residents requesting concrete continuous sidewalks from Lincoln Avenue to South Street.

As part of the City's Lincoln Area Sewer Separation – Contract 3C project, sidewalks and driveway aprons will be reconstructed on Richards Avenue from Lincoln Avenue to South Street. The Department of Public Work's current policy is to install concrete sidewalks up to either side of a driveway apron and leave the driveway apron continuous asphalt. The City received a petition from residents in this area requesting that the concrete sidewalks be continuous through the driveway aprons.

There are 23 driveways that would be impacted for this section of Richards Avenue. The current construction contract includes concrete sidewalks and continuous asphalt driveway aprons. The estimated cost for the concrete sidewalk is approximately \$35,600.

Installing continuous concrete sidewalks through the driveway aprons would increase the cost by approximately \$5,000 to \$40,600. Based on review it has been determined that there are currently sections of sidewalk that run through driveways and that historically the entire street from South Street to Lincoln Avenue had continuous concrete sidewalks. 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.

I would recommend the City Council move to approve continuous concrete sidewalks on Richards Avenue from Lincoln Avenue to South Street, as presented. Action on this matter should take place under Section XI of the Agenda.

Consent Agenda:

1. **Request for Licenses to Install Projecting Signs.** Attached under Section X of the Agenda are the following requests for projecting sign licenses (see attached memorandums from Rick Taintor, Planning Director):
 - Daniel Dumont, owner of Lo Mo for property located at 86 Pleasant Street.
 - Jim Weisweit, owner of Portsmouth Spa for property located at 55 Congress Street.
 - Carol Johnson, owner of Allstate for property located at 401 The Hill.

I would recommend the City Council move to approve the aforementioned Projecting Sign Licenses as recommended by the Planning Director and, further, authorize the City Manager to execute the License Agreements for these requests. Action on this matter should take place under Section X of the Agenda.

City Manager's Items Which Require Action:

1. **Adoption of Transportation Policies.** As a follow up to the September 16, 2013, City Council Work Session on transportation, I am submitting to the Council three proposed policies relating to Complete Streets, Bicycle Friendly Communities and Walk Friendly Communities. As you will recall, the City Council reviewed these three topics at its retreat on October 27, 2012. As you will also recall, the Mayor's Blue Ribbon Committee on Transportation Policies submitted its report to the City Council on April 10, 2013. The Committee's report recommends a range of policies relating to transportation planning, street design, bicycle and pedestrian planning, sustainable transportation, green streets, traffic calming, land use planning, transportation data and indicators, public transportation and regional coordination. In particular, the Committee recommended three first priority actions by the City Council to guide transportation planning and infrastructure design:
 1. Adopt the "Complete Streets" policy drafted by Planning Department staff.
 2. Adopt the "Bicycle Friendly Communities" policy to support designation as a Bicycle Friendly Community by the League of American Bicyclists.

3. Adopt the “Walk Friendly Communities” policy to support designation as a Walk Friendly Community by the Pedestrian and Bicycle Information Center.

These three proposed policies are attached.

Complete Streets

“Complete Streets” are streets that 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. The National Complete Streets Coalition recommends that communities adopt a Complete Streets policy to ensure that transportation planners and engineers consistently design and operate the entire roadway with all users in mind. To date, more than 500 Complete Streets policies have been adopted by municipalities and states across the country.

The Planning Department has drafted the attached proposed Complete Streets Policy based on national models and examples, tailored to Portsmouth’s specific conditions. The proposed policy commits the City to “approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users,” and to use the best and latest design standards available.

The Complete Streets Policy will establish an overall framework for planning, designing, constructing and maintaining a balanced transportation infrastructure in the City. The next two proposed policies are intended to provide further guidance on two key elements of this system: facilities for bicyclists and pedestrians.

Bicycle Friendly and Walk Friendly Communities

The City is working toward designation by the League of American Bicyclists as a Bicycle Friendly Community (BFC). Approximately 259 communities in the U.S. have achieved this designation to date. To be awarded the designation there is an application process, and communities must meet a defined set of criteria.

A similar program for Walk Friendly Communities (WFC) is run by the UNC Highway Safety Research Center's Pedestrian and Bicycle Information Center, with support from a variety of national partners. About 36 communities across the U.S. have achieved WFC designation.

In order 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. As initial steps, I am proposing that the City Council adopt Bicycle Friendly and Walk Friendly Communities Policies (see attached policies). These policies outline the City’s support for becoming Bicycle and Walk Friendly by integrating bicycle and pedestrian accommodations into municipal decision-making practices and processes.

Planning Director Rick Taintor and Transportation Planner Juliet Walker will make brief presentations regarding each of the proposed policies.

I would recommend that the City Council take the following actions:

1. *Move to adopt the Complete Streets Policy*
2. *Move to adopt the Bicycle Friendly Communities Policy*
3. *Move to adopt the Walk Friendly Communities Policy*

2. **Report Back Re: Request of Mark Ayotte, 9 Garden Street.** As you will recall, at the August 5, 2013 City Council meeting, the Council referred the attached request from Mark Ayotte, 9 Garden Street for the 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, to the Planning Board for report back to the City Council.

Attached is a memorandum from Rick Taintor, Planning Director, regarding this matter. At its meeting on September 19, 2013, the Planning Board voted unanimously to recommend that the City not release its interest in Garden Street or Colonial Avenue.

I would recommend that the City Council move to accept the Planning Board's recommendation that the City not release its interest in Garden Street or Colonial Avenue.

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.** As you will recall, at the July 15, 2013 City Council meeting, the Council referred the attached request from Rob Sevigny of The Paper Patch, 36 Market Street, for an easement to restore a step on Ladd Street, to the Planning Board for report back to the City Council.

Attached is a memorandum from Rick Taintor, Planning Director, regarding this matter. On September 19, 2013, the Planning Board voted to recommend that the City grant a license (rather than an easement) to place a step at this location, subject to the following conditions:

- a) The step shall 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.

The Planning Director recommends that the vote to grant the license also include the following additional condition:

- c) The License shall be approved by the Legal Department as to content and form.

I would recommend the City Council move to accept the Planning Board's and the Planning Director's recommendation to grant a license (rather than an easement) to place a step at this location, subject to the following conditions:

- a) The step shall 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.*

Informational Items:

1. **Events Listing.** For your information, attached is a copy of the Events Listing updated after the last City Council meeting on September 16, 2013. In addition, this now can be found on the City's website.
2. **Coalition Communities Update.** As requested, attached is a report back from City staff regarding the Coalition Communities.
3. **Fall 2013 Household Hazardous Waste Day.** For your information, attached is a news release regarding the Fall 2013 Household Hazardous Waste Day to be held on Saturday, October 19, 2013 between 8:00 a.m. and noon at the Department of Public Works facility at 680 Peverly Hill Road.