

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON NOVEMBER 18, 2013, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR SPEAR, ASSISTANT MAYOR LISTER, COUNCILORS COVIELLO, KENNEDY (via conference call until 9:45 p.m.), NOVELLINE CLAYBURGH, LOWN, DWYER, SMITH AND THORSEN

1. Public Comment Session – There were 14 speakers: Rick Horowitz, Dick Bagley (Board Appointments); Tom Carroll (Port of New Hampshire.org website); Nicole LaPierre, Julie Ross, Jay Dennett, Brianna Martin, George Freeman (21 Brewster Street Boarding House); Rick Becksted (Board Appointments/Character Form-Based Zoning); Duncan MacCallum (Form-Based Zoning); Claire Kittredge (Reappointments, Form-Based Zoning, Height Restrictions, etc); Joe Caldarola (Nominees); Dan Freund (Historic Design Guide); and Joshua DeMarco (Historic District Commission Tools)
2. Public Hearing – 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 – Held a public hearing. **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.
3. **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.
4. **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.
5. Boarding House License Extension Re: 21 Brewster Street – **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*
6. 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 – 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.
 7. First Reading on Proposed Amendments to the Zoning Ordinance, Article 6 – Overlay District, Section 10.630 – Historic District – 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.
 8. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance, Inserting a New Article 5A – Character Districts (aka Form-Based Zoning) – 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.
 9. First Reading of Proposed Amendments to Chapter 10 – Zoning Ordinance - Miscellaneous Conforming Amendments – 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.

10. Consent Agenda – **Voted** to adopt the 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***

11. Letter from Steven Wilson Re: 143 Daniel Street- Exchange of Easements – **Voted** to refer to the Planning Board for a report back.
12. Letter from James G. Boyle, Trustee, 150 Greenleaf Realty Trust Re: Sewer Line – **Voted** to accept and place the letter on file.
13. Letter and Petition from Islington Creek Neighborhood Association Re: Full-time Professional Management - 21 Brewster Street – **Voted** to accept and place the letter on file.
14. License Request Re: Insurcomm, 30-32 Daniel Street – **Voted** to authorize the City Manager to negotiate and enter into a license with Insurcomm to facilitate restoration activities at 30-32 Daniel Street.

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

15. 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.
16. Resignation – Richard DiPentima from the Conservation Commission – **Voted** to accept with regret the resignation of Richard DiPentima from the Conservation Commission.

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

17. Letter from Bert Cohen, Chairperson of the Mayor’s Blue Ribbon Committee on Sustainability Re: Septic Sludge Treatment – **Voted** to refer to the City Manager for a report back.
18. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 10, 2013 meeting – **Voted** to approve and accept the action sheet and minutes of the Parking and Traffic Safety Committee meeting of October 10, 2013.
19. Adjournment – At 10:00 p.m., **voted** to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, CMC/CNHMC
City Clerk