

TO: JOHN P. BOHENKO, CITY MANAGER

FROM: KELLI L. BARNABY, CITY CLERK

RE: ACTIONS TAKEN BY THE PORTSMOUTH CITY COUNCIL MEETING HELD ON MONDAY, SEPTEMBER 16, 2019 MEETING, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, MUNICIPAL COMPLEX, ONE JUNKINS AVENUE, PORTSMOUTH, NEW HAMPSHIRE

PRESENT: MAYOR BLALOCK, ASSISTANT MAYOR LAZENBY, COUNCILORS ROBERTS, PEARSON, DENTON, RAYNOLDS AND BECKSTED

00ABSENT: COUNCILOR PERKINS

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1. At 5:00 p.m. an Anticipated Non-Public Session was held in Accordance with RSA 91-A:3, II (b) regarding the City Manager Search.
  2. At 6:15 p.m., an Anticipated Non-Public Session was held in Accordance with RSA 91-A:3, II (e) regarding the Boyle Supreme Court Appeal.
  3. Public Comment Session – There were three speakers: Paige Trace (Sagamore Creek Sewer Costs); Robin Husslage and Nicole LaPierre (Pan Am Railroad Idling – Noise – Diesel Fumes).
  4. **Voted** to suspend the rules in order to take up Item XI. D.1. – Encouraging Pan Am to apply to the State Clean Diesel program for locomotive anti-idling technology.
  5. Encouraging Pan Am to apply to the State Clean Diesel program for locomotive anti-idling technology – Councilor Denton reported on the State Clean Diesel Program. No action required.
  6. Public Hearing – Chapter 3, Article IX – Distribution of Single-Use Disposables – Held a public hearing. Moved to pass second reading and schedule third and final reading of the proposed Ordinance at the October 7, 2019 City Council meeting.

**Voted** to amend second reading with the Amendment 1, Amendment 2 and Amendment 3:

*Amendment 1: by the addition of a Single-Use Container Definition to Section 3.902: Single-Use Container: a container that is distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store.*

Amendment 2: Clarifying Penalties and Remedies: Starting on line 20, on page 11, replace 'he/she will issue a written warning notice to the Operator of a Store on City property and the potential penalties that will apply for future violations' with 'a written warning that includes the potential penalties for future violations will be issued to the Operator.' so that sentence in Section 3.907 reads:

1. If the City determines that a violation of this Section has occurred, a written warning that includes the potential penalties for future violations will be issued to the Operator.

Amendment 3: Clarifying Purpose

Starting on line 12, on page 1, replace the language of 3.901 with the following:

*The City of Portsmouth recognizes that limiting the distribution of single-use disposables through source reduction is necessary to protect human health, to preserve the natural environment, and to conserve precious and dwindling natural resources through the proper and integrated management of solid waste.*

**Voted** to amend second reading with Amendment 4:

Amendment 4: Delay implementation until December 31, 2020

Starting on line 25, on page 6, replace 2019 Single-Use Plastic Bag inventory with 2020 Single-Use Plastic Bag inventory so that sentence in Section 3.903 B reads:

*All Stores may distribute their remaining 2020 Single-Use Carryout Plastic Bag inventory.*

Starting on line 21, on page 8, replace 2019 Single-Use Cup inventory with 2020 Single-Use Cup inventory so that sentence in Section 3.904 B. reads:

*All Stores may distribute their remaining 2020 Single Use Cup inventory*

Starting on line 28, on page 9, replace 2019 Single-Use Container inventory with 2020 Single-Use Container inventory so that sentence in Section 3.905 B. reads:

*All Stores may distribute their remaining 2020 Single-Use Container inventory*

Starting on line 28, on page 10, replace 2019 Single-Use Straw inventory with 2020 Single-Use Straw inventory so that sentence in Section 3.906 B. reads:

*All Stores may distribute their remaining 2020 Single-Use Straw inventory.*

*Starting on line 5, on page 12, replace December 31, 2019 with December 31, 2020, so the Effective Date section reads:*

*This ordinance shall take effect on December 31, 2020.*

*Moved to amend second reading with Amendment 5. This motion was withdrawn.*

Moved to amend second reading with separating Amendment 6 Elimination of the citywide Styrofoam' cup ban.

**Voted** to postpone motion regarding Amendment 6 Elimination of the citywide 'Styrofoam' cup ban. Councilors Pearson and Denton voted opposed.

**Main motion passed, as amended.** Councilor Becksted voted opposed.

7. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.328 – Limited Parking – Three Hours – Maplewood Avenue: Both Sides, Between Raynes Avenue and Vaughan Street – **Voted** to pass third and final reading, as recommended by the Parking and Traffic Safety Committee.
8. Voted to suspend the rules in order to take up Items XIII. A.1. & A.2. – Request for Approval of Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Officers Association & Request for Approval of Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Fighters.
9. Request for Approval of Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Officers Association – **Voted** to approve the proposed Four (4) Year Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Officers Association from July 1, 2019 to expire on June 30, 2023.
10. Request for Approval of Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Fighters – **Voted** to approve the proposed Four (4) Year Agreement between the Portsmouth Fire Commission and the Portsmouth Professional Fire Fighters from July 1, 2019 to expire on June 30, 2023.
11. Third and Final Reading of Ordinance amending Chapter 7, Article III, Section 7.326 – Limited Parking – Fifteen Minutes by the ~~Deletion of Maplewood Avenue: Easterly Side, the First Two Spaces Commencing 140 Feet Northerly from Vaughan Street~~ – **Voted** to pass third and final reading, as recommended by the Parking and Traffic Safety Committee.

12. Non-Public Session Minutes Re: City Manager Search – **Voted** to seal the minutes of the City Manager Search Non-Public Session.
13. Non-Public Session Minutes Re: Boyle Supreme Court Appeal – **Voted** to seal the minutes of the Boyle Supreme Court Appeal Non-Public Session.
14. Appointments to be Voted – **Voted** the appointment of Maryellen Burke to the Board of Library Trustees until October 1, 2022; appointment of Janaki Fonseka to the Board of Library Trustees until October 1, 2022 and appointment of Lori Soloway to the Citywide Neighborhood Blue Ribbon Committee until December 31, 2019.
15. City Manager Search (Not on Agenda) – Deputy City Manager Colbert Puff announced that the City Council has selected a group of semi-finalists for the City Manager Search and interviews will take place by the City Council on Tuesday, October 1, 2019 whereby two or three finalists will be selected. No action required.
16. Parking and Traffic Safety Committee Action Sheet and Minutes of the August 1, 2019 meeting – **Voted** to approve and accept the minutes of the August 1, 2019 Parking and Traffic Safety Committee meeting.
17. Share the Square – Councilor Pearson announced that Share the Square will be held on Sunday, September 29<sup>th</sup> and Sunday, October 6<sup>th</sup> from 1:00 p.m. – 4:00 p.m. in Market Square. No action required.
18. Report Back on Meeting with SIPP and Proposed Motion to Approve License Fees for Prescott Park License Agreements – **Voted** to accept the recommendation of the Fee Committee regarding annual license fees and any adjustment for years 2-5 of the License Agreements with the Prescott Park Arts Festival, the NH Art Association and the Gundalow Company.
19. Report Back Re: Contact Information – Councilor Pearson indicated she would like to consult with the City Manager and staff to provide a report back at the October 7, 2019 City Council meeting.
20. Vaughan Street Hotel LLC Amendment to Easement Agreement – **Voted** to grant the City Manager the authority to negotiate, execute and deliver a sign easement as requested by Vaughan Street Hotel, LLC, for recording.
21. 799 South Street Sidewalk Easement – **Voted** to accept a sidewalk easement for 799 South Street, as presented.

22. Polling Hours – November 5, 2019 Municipal Election – **Voted** to set the polling hours from 8:00 a.m. to 7:00 p.m. for the Municipal Election on Tuesday, November 5, 2019 and beginning with the September Primary Election in 2020 the polling hours would be set from 7:00 a.m. to 7:00 p.m.
23. Email Correspondence – **Voted** to accept and place on file.
24. Letter from Barbara Massar, Executive Director, Pro Portsmouth, regarding proposed Distribution of Single-Use Disposables Ordinance - **Voted** to accept and place on file.
25. Letter from Joshua P. Lanzetta, Counsel to the Surfrider Foundation, NH, regarding proposed Distribution of Single-Use Disposables Ordinance - **Voted** to accept and place on file.
26. Adjournment – At 10:10 p.m., voted to adjourn.

Respectfully submitted by:

Kelli L. Barnaby, MMC, CNHMC  
City Clerk