

**Codes and Ordinances Committee**

Councilor Peter Lachapelle, Chair  
Councilor Elaine Lauterborn, Vice Chair  
Councilor Tom Abbott  
Councilor Chris Rice  
Councilor Laura Hainey



**Others Present**

Terence O'Rourke, City Attorney  
Jenn Marsh, Economic Development

**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday, September 3, 2020**

**31 Wakefield Street, Rochester, NH**

Meeting conducted remotely

**6:00 PM**

**Minutes**

**1. Call to Order**

Councilor Lachapelle called the Codes & Ordinances meeting to order at 6:00 PM and read the following preamble:

Good Evening, as Chairperson of the Codes & Ordinances Committee I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. [Public Input Registration](#) (Please note: In order to notify the meeting host that you would like to speak, press 5\* to be recognized and unmuted)

b.) **Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email [PublicInput@RochesterNH.net](mailto:PublicInput@RochesterNH.net) or call 603-332-1167.

c.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** City Clerk/Public Input, 31 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** [PublicInput@rochesternh.net](mailto:PublicInput@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

d.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

Deputy City Clerk Cassie Givara took the roll call. All Councilors were present and indicated that they were alone in the location from which they were connecting remotely.

## 2. Public Input

Deputy City Clerk Cassie Givara read an email\* from Joe Boudreau regarding outdoor dining on North Main Street. (*\*correspondence added as an addendum to online packet*)

## 3. Acceptance of the Minutes

### 3.1 August 6, 2020 *motion to approve*

Councilor Hainey **MOVED** to **APPROVE** the minutes of the August 6, 2020 Codes & Ordinances Meeting. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Lauterborn, Hainey, Lachapelle, and Abbott all voting in favor.

## 4. **Update: Outdoor Dining Ordinance**

Jenn Marsh, Economic Development, stated that the departments will be meeting next Wednesday to review some draft changes to the dining ordinance and these changes will be coming

back to the Codes & Ordinances Committee at the October 1, 2020 meeting.

Councilor Lachapelle noted that there are two lanes which turn left off of Union Street onto North Main Street; these will need to be addressed if this section of the North Main Street is reduced to one lane to accommodate outdoor dining. Ms. Marsh stated that she would bring up the discussion on traffic at the upcoming meeting. Councilor Lauterborn asked if the establishments in downtown were feeling positive about the changes to the ordinance and whether or not the allowances for entertainment had been utilized. Ms. Marsh reported that the businesses downtown have reported that the outdoor dining changes have helped their numbers during COVID. Ms. Marsh reported that none of the establishments downtown have applied for a permit for outdoor entertainment as of this time. It was clarified that in order to have outdoor entertainment on City property, a business would need to apply for a special events permit and have the area inspected for safety and suitability.

Councilor Rice inquired about the lights which had been hung on a portion of North Main Street and asked if there was a plan to extend them down the street or look at examples of other lighting. Ms. Marsh stated that they were waiting for feedback on the current lighting and waiting to see how they held up to the elements. If all goes well, the plan is to extend the string lights down the entirety of the street on both sides. She stated that the City is still looking at affordable options for pole lights which are not holiday-specific, but they have not found anything yet.

## **5. Code of Ordinances – Proposed review plan**

City Attorney Terence O'Rourke gave an overview of the proposed process which the committee will use to review the chapters and suggest amendments to the City ordinances. The Codes & Ordinances committee will decide on which chapters to review at each meeting(s), and the relevant departments will be consulted and their input solicited. The committee will then vote on any amendments to be presented to full council before moving on to other chapters. It was suggested that the committee focus on one chapter per meeting, and if the changes are minor or simply grammatical, additional chapters can be added.

Councilor Rice suggested starting with a department which only has a single chapter on the provided list, such as planning or fire. He cautioned against starting with City Clerk due to the workload generated by the November general election.

Councilor Lauterborn questioned whether or not this review of the City Ordinances would be considered essential business. She suggested waiting to start this project until the committees and boards were meeting in person again.

There was a discussion in committee regarding the schedule of chapters to be reviewed. It was decided that at the October 1, 2020 meeting, the review would start with chapters 16 and 75 for the Fire Department. If the fire chapters are completed, the committee would move onto chapters 28, 149, 167 and 254 for the police department in November, and potentially chapter 158 for Recreation and Arena in December.

## **6. Other**

No Discussion.

**7. Adjournment**

Councilor Lachapelle **ADJOURNED** the Codes & Ordinances Committee meeting at 6:21 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk