

**City Council Public Hearing
July 19, 2022
Council Chambers
6:00 PM**

COUNCILORS PRESENT

Councilor Beaudoin
Councilor Berlin
Councilor de Geofroy
Councilor Fontneau
Councilor Gilman
Councilor Gray
Councilor Hailey
Councilor Hamann
Councilor Larochele
Councilor Malone
Mayor Callaghan

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Betsey Andrews Parker, CAPSC
Jenn Marsh, Asst. Director of Economic
Development
Tom Kaczynski, resident
Cliff Newton, resident
Susan Rice, resident
Ric Perreault, resident
Sarah Harrington, resident

COUNCILORS EXCUSED

Councilor Desrochers
Deputy Mayor Lachapelle

Minutes

1. Call to Order

Mayor Callaghan called the City Council Public Hearing to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent roll. All Councilors were present except for Councilors Desrochers and Lachapelle, who were both excused.

Mayor Callaghan asked all present to stand, and he led the Pledge of Allegiance.

Mayor Callaghan explained that he was going to take up item #8 of the public hearing agenda first, because there are specific guidelines that need to be followed to meet the requirements for the grant. Mayor Callaghan read the following statement:

Community Development Block Grant Gap Funds are available to municipalities through the NH Community Development Finance Authority (CDFA) to provide additional gap funds for previously approved projects. All CDBG projects must directly benefit low- and moderate-income persons. Approximately \$1,500,000 is available this year as part of the Gap Funds program through CDFAs. This public hearing will consider public comments on the following Gap Funds request:

The Gafney Home project amendment seeks an additional \$171,116 in funds to close a gap in project funding associated with changing (increasing) costs of materials and supplies. The budget was created prior to the Covid-19 related industry delays and shortages. Of the additional funds

requested, \$151,015 will be used for construction related costs, \$15,101 is reserved for contingency, and \$5,000 will be used for additional administration costs.

**informational materials on the project were available at the meeting and are available in the City Clerk's office upon request.*

Mayor Callaghan stated that if the City Council is supportive of submitting an application, they will authorize submission by means of the following resolution, which will be voted on at the Special meeting following the public hearing:

**Resolution Authorizing An Application For Community Development Block Grant-
Covid-19 (CDBG-CV) Gap Funding Budget Amendment on Behalf of the City of
Rochester and Community Action Partnership of Stafford County for the Gafney
Home Renovation Project**

WHEREAS: The 2020-2025 Rochester CDBG Consolidated Action Plan documents rising demand for housing for elderly residents, including residents living on fixed incomes; and

WHEREAS: HUD Community Development Block Grant CARES Act (CDBG-CV) funds are available through the NH Community Development Finance Authority for CDBG-CV response where a total of approximately \$1,500,000 is available this year for Gap Funds; and

WHEREAS: A primary component of the CARES act is assistance to State, Local, Territorial and Tribal Governments with a direct impact of COVID-19 pandemic; and

WHEREAS: The Community Action Partnership of Strafford County (CAPSC) owns the location at 90 Wakefield Street, Rochester NH 03867, also known as the Gafney Home (hereafter the "Gafney Home"); and

WHEREAS: CAPSC proposes to use the funding to support increased costs associated with the Gafney Home to create 21 apartments to serve an income-qualified population of residents aged 62 and older; and

WHEREAS: The Gafney Home and its services will benefit a limited clientele made up entirely of individuals or families aged 62 or older; and

WHEREAS: All 21 units will be rented to households that income qualify as low-to-moderate-income for the purposes of CDBG eligibility; and

WHEREAS: An application for CDBG – CV grant has been prepared by Strafford Regional Planning Commission (SRPC) on behalf of the city of Rochester in collaboration with CAPSC; and

WHEREAS: A duly noticed public hearing for the purposes of soliciting feedback from the

public and meeting the requirements of the CDBG program was held on July 19, 2022.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

- I. The city of Rochester will submit an application for community development Block Grant COVID-19 funds of \$171,116 for the purpose of Gap Funds needed in The Gafney Home project funding associated with increased costs of materials and supplies for Community Action Partnership of Strafford County located at 90 Wakefield St., Rochester, NH 03867
- II. The city of Rochester here by adopts a project-specific Anti-Displacement Policy that incorporates and is subordinate to the pre-existing CDBG Anti-Displacement and Relocation Assistance Plan.
- III. The City Manager is authorized to apply for and accept and expand the CDBG – CV funds of up to \$171,116 and to officially represent the City of Rochester, New Hampshire in connection with the application including execution of contract on behalf of the city and any other related documents necessary or convenient to carry out the intent of said grant application including acting as the certifying officer for HUD environmental documents without further action of the City Council for the purpose set forth in the grant agreement
- IV. The City Manager is here by authorized to enter into agreement(s) with Community Action Partnership of Strafford County as sub-recipients and Strafford Regional Planning Commission as grant-writers and grant administrators for the purposes of this grant.

Mayor Callaghan invited members of the public to come forward and speak regarding the Gafney Home gap funding resolution. No members of the public spoke.

Betsey Andrews Parker, Director of Community Action Partnership of Strafford County (CAPSC), explained that CAPSC is the owner of the Gafney Home. She said there is more Federal money available for projects such as this throughout the State, and due to the increased construction costs and supply delays resulting from COVID, CAPSC had an opportunity to apply for additional funds to assist with these additional costs. Ms. Andrews Parker explained that the City of Rochester is the Grantee and CAPSC is the sub-grantee in this application process.

Mayor Callaghan asked for an overview of what the Gafney Home project will become. Ms. Andrews Parker explained that the property is being converted into a 21-unit affordable senior housing facility. She gave further details of the project and explained that the units will be available in July 2023. Mayor Callaghan asked if this would be assisted living with care staff on site. Ms. Andrews Parker answered that this was completely independent living. She explained the partnership with the Rochester Housing Authority to assist with the wait list as well as property management. She explained that there would be maximum income limits for residents to qualify and that utilities would be included in the cost.

Councilor Beaudoin asked if this funding would be used to offset construction costs. Ms. Andrews Parker confirmed that this is the case; the cost of most supplies have increased significantly. She explained that there are also revisions and substitutions that needed to be made to the initial construction plan due to delays and backorders. There was a year and a half between the original estimate and present day, during which time prices have increased. She reported that CAPSC had contributed \$500,000 of their own funding towards the project; this request is a supplemental request to cover the difference.

Mayor Callaghan **ADJOURNED** the Gafney Home portion of the public hearing at 6:05 PM.

2. Amendment to the General Ordinances of the City of Rochester Creating Chapter 260A Regarding Water Development Connection Fees (*addendum A*)

Tom Kaczynski, resident, spoke about confusion with the current wording of the proposed ordinance and the use of waivers. He suggested a revision of the proposed ordinance to make it “fair and equitable.”

Cliff Newton, resident, questioned the equitability of the current proposed ordinances and some perceived conflict in the language. He questioned the definition of the term “new connections” as used in the ordinance.

Susan Rice, resident, suggested City staff appear at public hearings to explain the proposed items. She gave details on items within the ordinance that she felt needed further clarity and review.

Sarah Harrington, resident, asked Council to carefully consider passing this proposed amendments in the current strained economy. She recommended the amendment be referred back to the Committee level for further review.

3. Amendment to Chapter 200 of the General Ordinances of the City of Rochester Regarding Sewer Development Connection Fee (*addendum B*)

Tom Kaczynski, resident, suggested a review and revision of the ordinance to make it more equitable.

4. Ordinance Amendments Relative to Water User Rate (*Addendum C*)

Susan Rice, resident, spoke about the larger rate increases due to several years of static user rate fees.

5. Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding Electric Vehicle Charging Stations

Susan Rice, resident, spoke in support of the amendment and the benefits of installing more vehicle charging stations.

6. **Resolution Authorizing Supplemental Appropriation to the FY 2023 Capital Improvement Plan (CIP) Project Fund in Connection with the Strafford Square Project in the Amount of \$3,000,000.00 and Borrowing Authority pursuant to RSA 33:9**

Ric Perreault, resident, questioned the reason for the proposed supplemental appropriation and made suggestions on how the situation could be handled.

Cliff Newton, resident, questioned the need for a supplemental appropriation following the adoption of the City budget and questioned the timeline of estimates and costs on this project. He spoke about the language regarding the budget passage contained in the City Charter.

Tom Kaczynski, resident, suggested that this project, and other similar projects requesting supplemental appropriations, should be included in the budget.

7. **Resolution Authorizing an Application for Community Development Block Grant – COVID-19 (CDBG-CV) Funding to Support Facilities Project**

Mayor Callaghan read the resolution as follows:

Resolution Authorizing An Application For Community Development Block Grant- Covid-19 (CDBG-CV) Funding to Support Facilities Project

WHEREAS: The 2020-2025 Rochester CDBG Consolidated Action Plan Documents priorities and areas of high priority need for supportive services and shelter assistance to extremely low, low and moderately low income residents of the City experiencing homelessness; and

WHEREAS: HUD Community Development Block Grant Covid 19 funds are available through the NH Community Development Finance Authority for CDBG-CV response; and

WHEREAS: A primary component of the CARES act is assistance to State, Local, Territorial and Tribal Governments with a direct impact of COVID-19 pandemic; and

WHEREAS: The Homeless Center for Strafford County owns the location at 202 Washington Street, Rochester NH 03839; and

WHEREAS: The Homeless Center For Strafford County proposes to install rooftop solar energy to supply electricity to the shelter building supplementing the electrical supply that provides specialized air circulation to the shelter building in service to extremely low income, Low income, moderately low income Rochester residents; and

WHEREAS: Shelter clients are specifically screened to ensure that they are HUD income qualified populations of the City of Rochester; and

WHEREAS: The Homeless Center For Strafford County services provide a shelter and programming benefit to a large proportion of Rochester clientele made up entirely of extremely low income low income and moderately low income city residents; and

WHEREAS: An application for CDBG – CV grant has been prepared by The Homeless Center For Strafford County on behalf of the city of Rochester in collaboration with City staff; and

WHEREAS: A duly noticed public hearing for the purposes of soliciting feedback from the public and meeting the requirements of the CDBG program was held on July 19, 2022.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

I. The city of Rochester will submit an application for community development Block Grant COVID-19 funds of \$120,000 for the purpose of installing a solar panel unit on the rooftop of the building owned by the homeless center for Strafford County located at 202 Washington St., Rochester, NH 03839

II. The city of Rochester here by adopts a project specific energy response that incorporates and is subordinate to the pre-existing CDBG facilities energy plan(s)

III. The City Manager is authorized to apply for and accept and expand the CDBG – CV funds of up to \$120,000 and to officially represent the City of Rochester, New Hampshire in connection with the application including execution of contract on behalf of the city and any other related documents necessary or convenient to carry out the intent of said grant application including acting as the certifying officer for HUD environmental documents without further action of the City Council for the purpose set forth in the grant agreement

IV. The City Manager is here by authorized to enter into agreement with the Homeless Center for Strafford County as sub recipient for the Grant

Mayor Callaghan asked Jenn Marsh, Assistant Director of Economic Development, to speak about the resolution and explain the project. Ms. Marsh explained that this is a separate CDBG-CV request (similar to the Gafney Home item earlier in the agenda) for the City to apply as the grantee with the Homeless Center of Strafford County being the sub-grantee. The request is for the City to apply for a grant in the amount of \$120,000 to install a solar array on the rooftop of the newly constructed homeless center on Washington Street.

Christopher Rice, resident, praised the Homeless Center of Strafford County on the work they have done at the new facility on Washington Street. He suggested that City staff be present to speak regarding public hearing items, as Ms. Marsh had done prior to him.

8. **Resolution Authorizing an Application for Community Development Block Grant-COVID-19 (CDBG-CV) Gap Funding Budget Amendment on behalf of the City of Rochester and Community Action Partnership of Strafford County for the Gafney Home Renovation Project in the amount of \$171,116.00**

**The agenda was adjusted and item #8 was discussed earlier in the public hearing.*

9. **Adjournment**

Mayor Callaghan **ADJOURNED** the City Council Public Hearing at 6:47 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

ADDENDUM A

**Amendment to the General Ordinances of the City of Rochester Creating Chapter 260A Regarding
Water Development Connection Fees**

THE CITY OF ROCHESTER ORDAINS:

That the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended to include the following in its entirety:

Chapter 260A Water Development Connection Fee

§260A-1 Authority.

The City of Rochester is authorized pursuant to RSA 38:28 and RSA 38:37 to assess a Water Development Connection Fee on new connections and development to help meet the additional water system demands created by the new development including capital construction and improvement of the City's water system. Said fees are assessed on a capacity-buy in approach as set forth in §260-54 below.

§260A-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Water Ordinance, Chapter 260, §260-2, as amended.

§260A-3 Purpose.

These regulations shall govern the assessment of connection fees upon new connections and development to the City's Public Water System to generate capital funds to maintain, improve and expand the water system to minimize the effect on existing customers in a fair and equitable manner.

§260A-4 Water Development Connection Fee

The water development connection fee or assessment imposed pursuant to these provision upon new connections and development, including subdivisions, building construction and other land use changes, are based on a capacity-buy in approach, where new users are required to invest in the equity of the City's Public Water System at a rate that reflects prior investment of existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new connections and development to the City's water treatment and distribution facilities, inclusive of the system defined herein as the Public

Water System.

§260A-5 Calculation of Fees

The water development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective water system in gallons per day. The portion of the water system capacity assigned to any new user is determined based on New Hampshire Water Usage Unit Design Standards, as contained in Table 1008-1 in Env-Wq 1000 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at: <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§260A-6 Assessment and Collection of Fees

The water development connection fee will be assessed by the Department at the time of application for new connections pursuant to Article I, §260-4. The fees shall be collected at the time of application for connection in accordance with §260-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of water development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the water development connection fees as necessary.

§260A-7 Waivers

A. An applicant may request a full or partial waiver of the water development connection fee assessments imposed by this ordinance from the Department. The amount of any such waiver shall not exceed the value of the land, facilities construction, or other contributions to be made by that person toward public capital facilities in lieu of a water development connection fee. The applicant must exclude from a waiver any value of on-site and off-site improvements that are required by the Department or City as a result of a plan or development approval, which the applicant would complete regardless of the water development connection fee under this ordinance. The value of contributions or improvements proposed by the applicant shall be credited only towards facilities of like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

B. An applicant may apply to the Department for a waiver of a portion or the full amount of the water development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, decide whether a waiver is granted or denied. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§260A-8 Administration of Water Development Connection Fees

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual capital facilities connection fee account for the water facilities for which fees are assessed, and shall be used solely for the purposes specified in this ordinance. The water development connection fee

account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody and records for the water development connection fee account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall make a report to the City Council at the end of the fiscal year providing an account of all public water system facilities funded through impact fees during the prior year.

E. Funds withdrawn from the water development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public water system facilities identified in this ordinance.

§ 260A-9 Appeals.

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision to the Department which shall issue a decision within 30 calendar days of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board and then to the City Manager.

§ 260A-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

§ 260A-11 When effective

This Article shall be in full force and effect immediately following its passage, as provided by law.

ADDENDUM B

Amendment to Chapter 200 of the General Ordinances of the City of Rochester Regarding Sewer Development Connection Fee

THE CITY OF ROCHESTER ORDAINS:

That Chapter 200 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended to add the following in its entirety:

**Chapter 200-7-T
Sewer Development Connection Fee**

§200-7-T-1 Authority.

The City of Rochester is authorized pursuant to RSA 31:139 and RSA 149-I:7 to assess a Sewer Development Connection Fee on new connections and development to help meet the additional Sewer system demands created by the new development including capital construction and improvement of the City's Sewer system. Said fees are assessed on a capacity-buy in approach as set forth in §200-7-T-4 below.

§200-7-T-2 Definitions.

This Chapter incorporates by reference the Definitions found in the City of Rochester Sewer Ordinance, Chapter §200, as amended.

§200-7-T-3 Purpose.

These regulations shall govern the assessment of connection fees upon new connections and development to the City's Public Sewer System to generate capital funds to maintain, improve and expand the Sewer system to minimize the effect on existing customers in a fair and equitable manner.

§200-7-T-4 Sewer Development Connection Fee

The Sewer development connection fee or assessment imposed pursuant to these provision upon new connections and development, including subdivisions, building construction and other land use changes, are based on a capacity-buy in approach, where new users are required to invest in the equity of the City's Public Sewer System at a rate that reflects prior investment of existing users per unit of total capacity to raise funds to meet the demands and impacts created by the new connections and development to the City's Sewer treatment and distribution facilities, inclusive of the system defined herein as the Public

Sewer System.

§200-7-T-5 **Calculation of Fees**

The Sewer development connection fee is calculated as a per gallon per day charge by dividing the net equity in user paid capital assets by the capacity of the respective Sewer system in gallons per day. The portion of the Sewer system capacity assigned to any new user is determined based on New Hampshire Sewer Usage Unit Design Standards, as contained in Table 1008.01 in Env-Wq 1008.3 of the New Hampshire Code of Administrative Rules. The Code of Administrative Rules can be found at: <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/2020-01/Env-Wq%201000.pdf>

§200-7-T-6 **Assessment and Collection of Fees**

The Sewer development connection fee will be assessed by the Department at the time of application for new connections pursuant to Article I, §200-7-T-4. The fees shall be collected at the time of application for connection in accordance with §200-7-T-4 above; however, the Department and applicant may establish an alternate, mutually acceptable schedule of payment of Sewer development connection fees. If an alternate schedule for payment of fees is established, the Department may require the applicant to post surety, in the form of a cash bond, letter of credit or performance bond to guaranty future payment of the assessed impact fees. The Department and City reserve the right to annual review and amend the Sewer development connection fees as necessary.

§200-7-T-7 **Waivers**

A. An applicant may request a full or partial waiver of the Sewer development connection fee assessments imposed by this ordinance from the Department. The amount of any such waiver shall not exceed the value of the land, facilities construction, or other contributions to be made by that person toward public capital facilities in lieu of a Sewer development connection fee. The applicant must exclude from a waiver any value of on-site and off-site improvements that are required by the Department or City as a result of a plan or development approval, which the applicant would complete regardless of the Sewer development connection fee under this ordinance. The value of contributions or improvements proposed by the applicant shall be credited only towards facilities of like kind. All costs incurred by the Department for the review of a proposed waiver, including reasonable consultant and counsel fees, shall be paid by the applicant requesting a waiver.

B. An applicant may apply to the Department for a waiver of a portion or the full amount of the Sewer development connection fee, where such waiver application is accompanied by an independent fee calculation study that documents the proportionate capital cost impacts of the new connection or development. The Department shall review any such study, and in its discretion, decide whether a waiver is granted or denied. All costs incurred by the Department for review of any such study shall be paid by the applicant.

§200-7-T-8 **Administration of Sewer Development Connection Fees**

A. All funds collected shall be properly identified and promptly transferred for deposit into an

individual capital facilities connection fee account for the Sewer facilities for which fees are assessed, and shall be used solely for the purposes specified in this ordinance. The Sewer development connection fee account shall be a capital reserve fund account and the City shall not accrue these fee revenues to the general fund.

B. Payment, administration, collection, custody and records for the Sewer development connection fee account shall be done by the Finance Department upon the direction of the City Manager.

C. The Department shall make a report to the City Council at the end of the fiscal year providing an account of all public Sewer system facilities funded through impact fees during the prior year.

E. Funds withdrawn from the Sewer development connection fee account shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public Sewer system facilities identified in this ordinance.

§ 200-7-T-9 Appeals.

Any party aggrieved by any decision, regulation or provision under this Article, as amended, from time to time, shall have the right to appeal said decision to the Department which shall issue a decision within 30 calendar days of the appeal. If said appeal is denied by the Department, then the aggrieved party shall have the right to appeal to the Utility Advisory Board and then to the City Manager.

§ 200-7-T-10 Additional rules and regulations; amendments.

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to this Article, which additional rules and regulations, to the extent appropriate, shall be a part of this Article.

§ 200-7-T-11 When effective

This Article shall be in full force and effect immediately following its passage, as provided by law.

**ORDINANCE AMENDMENT
RELATIVE TO WATER USER RATE**

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 260, Section 33 of the General Ordinances of the City of Rochester, entitled "Water Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Water Rates" and by replacing such portion of the ordinance with the following:

260-33 Water Rate and Fee Schedule

Quarterly Water Rates

Residential Customers without exemption:	\$6.41	per 100 cu. ft. of water use
Residential Customers with exemption:	\$2.77	
Commercial and industrial customers:	\$6.41	

Unmetered Residential Customers:	
Per quarter per unit without exemption:	\$171.56
Per quarter per unit with exemption:	\$85.76

Minimum Fee:	
Per quarter per unit without exemption:	\$24.35
Per quarter per unit with exemption:	\$19.54

II. That this ordinance amendment shall take effect on August 1, 2022

**ORDINANCE AMENDMENT
RELATIVE TO SEWER USER RATE**

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 200, Section 33 of the General Ordinances of the City of Rochester, entitled "Wastewater Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Wastewater Rates" and by replacing such portion of the ordinance with the following:

200.33 Wastewater Rate and Fee Schedule

Quarterly Wastewater Rates

Residential Customers without exemption:	\$8.17	per 100 cu. ft. of water use
Residential Customers with exemption:	\$5.43	per 100 cu. ft. of water use
Commercial and industrial customers:	\$8.17	per 100 cu. ft. of water use
High Volume Customer (I.e. customers using more than 5,000 units **monthly)	\$7.36	per 100 cu. ft. of water use

Unmetered Residential Customers:

Per quarter per unit without exemption:	\$252.42
Per quarter per unit with exemption:	\$126.19

Sewer-Metered Customers: \$8.17 per 100 cu. Ft.

Minimum Fee:

Per quarter per unit without exemption:	\$37.74
Per quarter per unit with exemption:	\$30.04

II. That this ordinance amendment shall take effect on August 1, 2022