



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE
MONDAY, August 7, 2023
10:00 a.m.

Conference Room A
City Hall Complex, 1 Junkins Avenue Portsmouth,
NH 03801

*Members of the public also have the option to join the meeting over Zoom (See below for more details)**

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1. Welcome and Call to Order
 2. Roll Call
 3. Review and approval of the Minutes from the June 26 and July 31, 2023 meetings
 4. Old Business
 - a. Sustainability BR Committee Conversion Ordinance
 - b. Election Disclosures - Administrative Ordinance 1.902 and City Charter Section 3.8
 - c. City Council Preliminary Draft Ethics Policy
 - d. Sidewalk Policy – Historic District Commission Representative
 5. Public Comment
 6. Announcements
 - a. Current Committee Schedule
 - Administrative Ordinance Section 1.901, Draft Ethics Policy, Sidewalk Policy, BR Conversions African Burying Ground Stewardship Committee, Portsmouth Energy Advisory Committee, Citywide Neighborhood Committee, and Sister Cities Blue Ribbon Committee – September 11, 2023.
 7. Adjournment

****Members of the public also have the option to join this meeting over Zoom using the link below:***

Join Zoom Meeting
<https://us06web.zoom.us/j/81684606446>

Meeting ID: 816 8460 6446
Passcode: 964408



**CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE
DRAFT MEETING MINUTES
MONDAY June 26, 2023 – 10:00 a.m.
Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH 03801**

1. **Welcome and Call to Order** – 10:02 a.m.
2. **Roll Call** – Councilor Kate Cook, Councilor Vincent Lombardi, Councilor John Tabor by Zoom. Also present was Deputy City Manager Suzanne M. Woodland and Robert Sullivan, Of Counsel.
3. **Review and Approval of Minutes** – Councilor Lombardi moved to approve the June 12, 2023 minutes. Councilor Tabor seconded. By roll call, all in favor.
4. **Old Business**

- a. **Conflict of Interest**

The Governance Committee continued to review and further discuss proposed updates to the conflict-of-interest ordinance, looking at the recent changes prepared by the Legal Department. The Committee had a robust discussion regarding language related to quasi-judicial boards. The Governance Committee also discussed the possible development and adoption of a City Council policy addressing ethics.

The Committee discussed updating the financial disclosure reporting requirements and whether to further edit the provisions related to disclosure of conflicts. Consensus to further edit the language.

The Committee discussed gifts and favors and amending the language to increase the amount from \$100 to \$350 in a calendar year. The \$350 is not cumulative unless from the same donor.

The intention is to bring back final revisions to the Code of Ethics/Conflict of Interest section to the next Governance Committee meeting which would allow the changes to move to the City Council.

Councilor Cook reported that at the July 17 meeting the City Clerk will be in attendance and the Committee will look at updating the financial disclosure section. Councilor Cook reviewed briefly those sections that will be covered at the next meeting.

b. Sustainability BR Committee Conversion Ordinance

Councilor Cook reported that the Sustainability Committee is reviewing the questions and issues raised by the Governance Committee relative to the ordinance to create a standing committee. It will likely be August before this item returns to the Governance Committee.

c. Economic Development Committee Ordinance

Councilor Lombardi reported that the Economic Development Committee did not have an opportunity to consider the Governance Committee's comments at the last EDC meeting. This matter will likely be picked up at the next EDC meeting in July.

5. Public Comment

No members of the public were present.

6. Announcements - Next Governance Committee meeting: July 17, 2023

7. Adjournment

Motion by Councilor Lombardi to adjourn, seconded by Councilor Tabor and by roll call vote all in favor. Adjourned 11:00 a.m.

Minutes Prepared by: Suzanne Woodland, Deputy City Manager/Deputy City Attorney

Minutes Approved: _____



**CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE
DRAFT MEETING MINUTES
MONDAY July 31, 2023 – 10:00 a.m.
Conference Room A
City Hall Complex, 1 Junkins Avenue
Portsmouth, NH 03801**

1. **Welcome and Call to Order** – 10:04 a.m.
2. **Roll Call** – Councilor Kate Cook, Councilor Vincent Lombardi, and Councilor John Tabor via Zoom. Also present were Robert Sullivan, Senior Counsel, and Peter Rice, Public Works Director.
3. **Review and Approval of Minutes** – Councilor Lombardi moved to approve the July 17, 2023 minutes. Councilor Tabor seconded. By roll call, all in favor.
4. **Old Business**

- a. **Sustainability BR Committee Conversion Ordinance – Status update**

The Sustainability Committee will provide two versions of defining and structuring terms and requests Governance to review. Then it is ready for the City Council.

- b. **Election Disclosures – Administrative Ordinances 1.902, Council Rule 21, and City Charter Section 3.8**

- i. **Current Election Disclosure Requirements - Status Update:** The City Clerk has already corrected the disclosures form to comply with the current ordinance. This was done after the last election.

Motion by Councilor Tabor to consult with Public Works Director, Peter Rice, on the Sidewalk Ordinance now and instead of later. Council Lombardi seconded. All in favor by roll call vote.

- ii. **Discussion of Any Proposed Changes to the Ordinance for 2025:**

The Committee reviewed the ordinance line by line and agreed to include in Section C the mention of in-kind gifts valuing \$100 or more to be disclosed. Legal council was requested to propose wording.

The Committee discussed Section F, Violations, which applies to elected officers and not to PAC or unelected. Together with legal advice, they discussed possible recourse of unethical conduct in any campaign. The State Code of Ethics - Public Integrity by the Attorney General's office is to be consulted.

Disclosures: The Committee discussed the need to include wording that disclosures will be posted online. They asked legal counsel to provide possible language for review.

iii. Council Rule 21, Conflict of Interest: is consistent with charter rule.

c. City Council Preliminary Draft Ethics Policy

Councilor Cook listed the four areas addressed. They will be forwarded to the legal department for inclusion in the draft.

5. New Business

a. Sidewalk Policy – Peter Rice, Director of Public Works

Director Rice summarized the sidewalk policy materials as to be brick sidewalks in historical districts, and other places to be concrete. However, a property owner can have bricks by paying the difference between concrete and bricks. This policy keeps the sidewalks consistent, uniform, and cost efficient.

The Committee posed questions for brick sidewalks outside of historic districts, extending driveways to the sidewalk, porous materials, and consideration for trees on sidewalks.

Councilor Cook suggested inviting a representative from the Historic Commission to share their perspective. Councilor Tabor requested an account of the bricks remaining to be available at the next meeting.

b. Mid-Year Report to the City Council

Councilor Cook will provide a quick and oral update at the August 7 City Council meeting of the business discussed over the last 6 months. Councilor Lombardi will contribute.

6. Public Comment

Petra Huda (comments on Secretary of State's RSA which can help with language on election disclosures and ethics)

7. Announcements - Next Governance Committee meeting: August 7, 2023

8. Adjournment

Motion by Councilor Lombardi to adjourn, seconded by Councilor Tabor and by roll call vote all in favor. Adjourned 11:37 a.m.

Minutes Approved: _____

DRAFT

ARTICLE IV: COMMISSIONS AND AUTHORITIES

Section 1.413: SUSTAINABILITY COMMITTEE

A. Membership and Term: The Sustainability Committee will initially consist of a City Councilor to be designated by the Mayor, **a School Board member to be designated by the School Board**, one member of city staff to be designated by the City Manager, two students to be designated by the Portsmouth School District, and all the other interested community members on the Blue Ribbon Committee on Sustainable Practices. The City Councilor will serve for the duration of their two-year City Council term, the designated students from the Portsmouth School District will rotate, and the community members from the Blue Ribbon Committee on Sustainable Practices will be appointed to staggered three-year terms. After attrition causes the number of former Blue Ribbon Committee on Sustainable Practices community members to fall under nine, the Mayor with the approval of the City Council can appoint new community members to three year terms on the Sustainability Committee. Afterwards, the Sustainability Committee will have between seven and eleven community members that have a demonstrated experience in or passion for sustainability, mitigating climate change, and protecting our ecosystem. ~~The Blue Ribbon Committee on Sustainable Practices member who has the most seniority will be the Chair of the Sustainability Committee as long as that person has the support of the Sustainability Committee. If that person does not have the support of the Sustainability Committee, the Chair will be appointed by the Mayor for the remainder of that City Council term.~~

B. Powers and Duties: The Sustainability Committee shall provide advice and guidance to the City Council, the City Manager, and City Boards with respect to:

1. Implementation of the Climate Action Plan, achieving Portsmouth's Renewable Energy Policy, and additional recommendations on increasing energy efficiency, reducing greenhouse gas emissions, and taking measures to build resiliency against climate change.
2. Increasing awareness of sustainable practices among residents, businesses, visitors, municipal staff, and other stakeholders to ensure that Portsmouth remains a leader as an Eco-municipality.
3. Standing for environmental justice while protecting our eco-systems.

C. Limitations: Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances. Nor shall anything herein limit ability of the Sustainability Committee Chair to appoint subcommittees or determine the format of how to best structure meetings.

D. Effective Date: This ordinance will take effect **on January 1, 2024.** ~~upon adoption of Portsmouth's Climate Action Plan.~~

Instructions for the Mayor: Please reappoint all members to this committee in staggered terms to create a healthy committee rotation. (1/3, 1/3, 1/3)

ARTICLE IV: COMMISSIONS AND AUTHORITIES (**ALTERNATE**)

Section 1.413: SUSTAINABILITY COMMITTEE

A. Membership and Term: The Sustainability Committee will initially consist of a City Councilor to be designated by the Mayor, **a School Board member to be designated by the School Board**, one member of city staff to be designated by the City Manager, two students to be designated by the Portsmouth School District, and all the other interested community members on the Blue Ribbon Committee on Sustainable Practices. The City Councilor will serve for the duration of their two-year City Council term, the designated students from the Portsmouth School District will rotate, and the community members from the Blue Ribbon Committee on Sustainable Practices will be appointed to ~~staggered~~ three-year terms. After attrition causes the number of former Blue Ribbon Committee on Sustainable Practices community members to fall under nine, the Mayor with the approval of the City Council can appoint new community members to three year **staggered** terms on the Sustainability Committee. Afterwards, the Sustainability Committee will have between seven and eleven community members that have a demonstrated experience in or passion for sustainability, mitigating climate change, and protecting our eco-system. ~~The Blue Ribbon Committee on Sustainable Practices member who has the most seniority will be the Chair of the Sustainability Committee as long as that person has the support of the Sustainability Committee. If that person does not have the support of the Sustainability Committee, the Chair will be appointed by the Mayor for the remainder of that City Council term.~~

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2. Increasing awareness of sustainable practices among residents, businesses, visitors, municipal staff, and other stakeholders to ensure that Portsmouth remains a leader as an Eco-municipality.
3. Standing for environmental justice while protecting our eco-systems.

C. Limitations: Nothing herein shall limit the power of the City Council or City Manager to take immediate action in the event of exigent circumstances. Nor shall anything herein limit ability of the Sustainability Committee Chair to appoint subcommittees or determine the format of how to best structure meetings.

D. Effective Date: This ordinance will take effect **on January 1, 2024.** ~~upon adoption of Portsmouth's Climate Action Plan.~~

Instructions for the Mayor: Please reappoint all members to this committee to three-year terms. The staggering of terms will occur after attrition allows numbers to drop below 9 members or when the three year terms expire.

ARTICLE IX: CONFLICT OF INTEREST/MANDATORY FINANCIAL DISCLOSURE

Section 1.901: MUNICIPAL OFFICIALS DISCLOSURES (Amended 12/22/14; amended 04/16/18)

A. Preliminary: This ordinance is adopted by the City of Portsmouth in compliance with the mandate contained in the Charter Amendment entitled "CONFLICT OF INTEREST" which was adopted by referendum vote of the City of Portsmouth on November 3, 1987 as amended pursuant to referendum vote of the City of Portsmouth on November 7, 2017. This ordinance may be referred to as the Mandatory Disclosure Ordinance.

B. Definition: For purposes of this Article only, the following terms shall be defined in the following manner:

Municipal Official: For the purpose of mandatory financial disclosure, the term "Municipal Official" in this provision shall include members of the City Council, School Board, Police Commission, Fire Commission, Planning Board, Zoning Board of Adjustment and Historic District Commission.

Income: The term "income" shall be defined as a gain of recurrent benefit usually measured in money that derives from capital, labor, or investment.

Capital Assets: The term "capital assets" shall be defined to include interests and investments in Portsmouth-based businesses, businesses owned by Portsmouth residents and businesses which transact business with the City of Portsmouth. The term "capital assets" shall also be defined to include all real estate holdings and interests in real estate located in the City of Portsmouth.

Financial Disclosure Statement: The term "financial disclosure statement" shall mean a written statement, given under oath:

- 1) Listing an individual's primary source of annual income and capital assets. However, in no instance shall disclosure be mandated of any capital asset whose value at the time of disclosure is below Ten Thousand (\$10,000) dollars nor shall the value of any source of income or the value of any capital asset be required for disclosure.
- 2) Listing any sources of income, whether or not connected with the City of Portsmouth which individually produce income in an amount greater than \$10,000 calculated annually on a per calendar year basis.

C. Obligation of All Municipal Officials: All municipal officials will maintain an updated financial disclosure statement in the Office of the City Clerk. The Financial Disclosure Statement shall be updated annually as of June 30th. Forms shall be based on the form used by the State to implement RSA 15-A (attached) prepared by the City Clerk for approval by the City Council and made available to all municipal officials for this purpose.

- D. Determining Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinances shall be administered in accordance with the process under the Municipal Code of Ethics, Reference Chapter I, Article VIII.
- E. Public Records: Financial Disclosure Statements shall be public records.
- F. Return of Records: Financial Disclosure Statements shall be returned to the public official six (6) months after leaving office.
- G. Penalties: Any violation of this article shall be subject to the penalties prescribed for violation of the City Code of Ethics, Sec. 1.801 et seq.

Section 1.902: ELECTION CANDIDATE FINANCIAL DISCLOSURE (Adopted Section 1.902 in its Entirety 6/4/2007; amended 07/10/2017; amended 04/16/2018 pursuant to referendum vote of the City of Portsmouth on November 7, 2017)

- A. Required Disclosure: Each candidate for City Council, School Board, Police or Fire Commissions, and every Political Action Committee shall report contributions and election related expenditures.
 - 1. Political Action Committee: The term “Political Action Committee” (PAC) is any person or group of people raising and spending money to elect or defeat candidates for City Council, School Board, Police and Fire Commissions or pass or defeat Charter Amendments, Ballot Questions or Referenda.
- B. The report of expenditures shall specify the cumulative total, need not be itemized, and shall be required only if the candidate’s or Political Action Committee’s expenditures since the last municipal election equal or exceed a cumulative total of \$100.00.
- C. The report of monetary contributions to the candidate or Political Action Committee shall identify each contributor of \$100.00 or more since the last municipal election by name, address, amount and date of contribution(s).
- D. The reports must be filed, or updated as appropriate, with the Office of the City Clerk seven (7) days prior to any election at which the candidate, slate of candidates or Charter Amendment, Ballot Question or Referendum appears.
- E. Any contribution received within the seven (7) days prior to the election must be submitted in a final report to the Office of the City Clerk no later than two (2) weeks following the election.
- F. Violations: For violation and enforcement purposes, complaints alleging violation of the mandatory disclosure ordinance shall be administered in accordance with the process and penalties available under the Municipal Code of Ethics, Reference Chapter 1, Article VIII.
- G. The City Clerk shall prepare forms which shall be utilized by all persons and Political Action Committees subject to these disclosures.
- H. Public Records: All election financial disclosures shall be public records.

Form used by the State to implement RSA 15-A

2013 NEW HAMPSHIRE STATEMENT OF FINANCIAL INTERESTS - RSA 15-A

Type or Print Clearly

Full Name _____ Work Address _____

Primary Occupation _____ e-mail *optional _____ Work Phone _____

The office, position, appointment, or employment with state government held by you. NO ACRONYMS _____

A. List below the name, address, and type of any profession, business, or other organization in which you or a family member was an officer, director, associate, partner, proprietor, or employee, or served in any other professional or advisory capacity, and from which any income in excess of \$10,000 was derived during the preceding calendar year. Sources of retirement benefits other than federal retirement and/or disability benefits shall be included. (Use additional sheets as necessary.)

1. _____
2. _____

If you have no qualifying income indicate by writing your initials next to the following statement. My income does not qualify _____

B. Indicate below whether you or a family member has a special interest in any of the following businesses, professions, occupations, groups, or matters. A person has a reportable special interest in an item on this list if a change in law, a change in administrative rule, a decision whether or not to award a contract, grant a license or permit, discipline a licensee or permittee, or other decision by government affecting the listed business, profession, occupation, group, or matter would potentially have a greater financial effect on you or a family member than it would on the general public.

<input type="checkbox"/> 1. Any profession, occupation, or business licensed or certified by the State of New Hampshire. List each such profession, occupation, or category of business: _____					
<input type="checkbox"/> 2. Health Care	<input type="checkbox"/> 3. Insurance	<input type="checkbox"/> 4. Real Estate, including brokers, agent, developers, and landlords	<input type="checkbox"/> 5. Banking or financial services	<input type="checkbox"/> 6. State of New Hampshire, county, or municipal employment	
<input type="checkbox"/> 7. N.H. Retirement System	<input type="checkbox"/> 8. Current use land assessment program	<input type="checkbox"/> 9. Restaurants/ lodging	<input type="checkbox"/> 10. Sale and distribution of alcoholic beverages	<input type="checkbox"/> 11. Practice of law	
<input type="checkbox"/> 12. Any business regulated by the Public Utilities Commission		<input type="checkbox"/> 13. Horse or dog racing, or other legal forms of gambling		<input type="checkbox"/> 14. Education	<input type="checkbox"/> 15. Water Resources
<input type="checkbox"/> 16. Agriculture	<input type="checkbox"/> 17. N.H. taxes. Business Profits Tax	<input type="checkbox"/> Business Enterprise Tax	<input type="checkbox"/> Interest and Dividends Tax	<input type="checkbox"/> 18. Optional: Specify any other area in which you have a special interest ---	

I have read RSA 15-A and hereby swear or affirm that the foregoing information is true and complete to the best of my knowledge and belief. RSA 15-A:9 Penalty. Any person who knowingly fails to comply with the provisions of this chapter or knowingly files a false statement shall be guilty of a misdemeanor.

Date _____ Signature of Reporting Individual _____

Return to: Office of Secretary of State, 107 North Main Street, State House Room 204, Concord, NH 03301

ARTICLE III - OFFICERS AND EMPLOYEES

SECTION 3.2 - QUALIFICATIONS FOR ELECTION TO CITY COUNCIL

No person shall be a candidate for election as a City Councilor or as a School Board member who is not a duly qualified voter in the City and who has not been a resident of the City for at least two years immediately preceding the municipal election at which that person would be a candidate.

SECTION 3.3 - POLITICS

- A. No person receiving any compensation as an officer or employee of the City of Portsmouth:
 - 1. Shall continue in such position after the canvass of the vote following being elected to office as a School Board member or City Councilor of the City of Portsmouth;
 - 2. Shall engage in any political campaigns and activities during his/her hours of City employment.
- B. No City Councilor or School Board member shall hold any other municipal office.
- C. No member of the City Council, School Board, Fire Commission or Police Commission shall apply for or become an employee of the City until the expiration of the term for which that person was elected to office. (AMENDED BY REFERENDUM VOTE NOVEMBER 8, 2011. TO BECOME EFFECTIVE JANUARY 1, 2012).

SECTION 3.8 - PECUNIARY INTEREST

No elective or appointive officer or employee of the City of Portsmouth shall take part in any decision concerning the business of the City in which that person has a direct pecuniary interest which is greater than any other citizen or taxpayer, aside from that officer or employee's salary.

SECTION 3.14 - CODE OF ETHICS

The City Council shall have the power to remove, censure, suspend or reprimand any member of the Council or any Council appointee who has been found by it to have violated any provisions of a municipal Code of Ethics which shall be adopted by the Council in the form of an ordinance.

ARTICLE IV - CITY COUNCIL

SECTION 4.8 - HOLDING OF OTHER OFFICES

No Councilor shall, during his/her term as Councilor, be eligible to hold any other municipal office except Mayor or Assistant Mayor. This section shall not be construed to prevent any City Councilor from serving as a call member of the Fire Department.

ARTICLE V - CITY MANAGER

SECTION 5.5 - NON-INTERFERENCE BY THE COUNCIL

Neither the City Council nor any of its members shall direct or request the appointment or removal of any person to office or employment by the City Manager or any of the administrative officers. Neither the Council nor any member shall give orders to any of the administrative officers, either publicly or privately. This section shall not be construed; however, to prohibit the City Council or Council members from conducting inquiries of the City Attorney or the principal financial officer of the City as to legal or financial matters, respectively, involving the City.

AMENDMENT A - FIRE COMMISSION

ELIGIBILITY

Any person presently residing within the City of Portsmouth for not less than two years shall be deemed eligible to seek election to the Board of Fire Commissioners.

REMOVAL

Any member of the Fire Commission may be removed from office for just cause by a two-thirds vote of the City Council following a public hearing.

INCOMPATIBLE OFFICES

No member of the Fire Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth.

AMENDMENT C - CONFLICT OF INTEREST

The City Council shall establish a Conflict of Interest Ordinance for City Departments, including police and school boards and commissions, no later than sixty (60) days after passage of this provision. The ordinance will contain as a minimum, but is not limited to:

- A. Mandatory financial disclosure by all police, school, municipal officials, whether appointed or elected, of current personal sources of income and all Portsmouth related capital assets including, but not limited to, stock and real estate holdings and interests, in a sworn statement before the City Clerk at least biannually or before assuming office. For the purposes of financial disclosure the term "municipal officials" in the provision shall include members of the City Council, Police Commission, Fire Commission, School Board, Planning board, Zoning Board of Adjustment and Historic District Commission.
- B. Mandatory review boards and procedures to determine violation of the ordinance.
- C. Mandatory penalties for violations of the ordinance.
- D. Comprehensive definitions of such violations, and procedures to be used in reporting, investigating, and correcting the results of violations.
- E. A requirement that each candidate for City Council and every political action committee supporting one or more candidates for City Council report contributions and expenditures prior to Election Day, including the candidate's total monetary expenditures for that election and the total monetary expenditures for each candidate or slate of candidates by the political action committee. The report of monetary contributions to the candidate or by a political action committee shall identify each contributor by name, address and amount of contribution.

(ADOPTED BY REFERENDUM VOTE NOVEMBER 3, 1987)
(AMENDMENTS ADOPTED BY REFERENDUM VOTE NOVEMBER 7, 2017)

AMENDMENT E - POLICE DEPARTMENT (POLICE COMMISSION)

ELIGIBILITY

Any person presently residing within the City of Portsmouth for not less than two years shall be deemed eligible to seek election to the Board of Commissioners.

REMOVAL

Any member of the Police Commission may be removed from office for just cause by a two-thirds vote of the City Council following a public hearing.

INCOMPATIBLE OFFICES

No member of the Police Commission shall serve on the Commission while receiving compensation from or holding any other public office within the City of Portsmouth.

COUNCIL RULES:

RULE 21. CONFLICTS OF INTEREST

No member shall vote or serve on any committee or any question as to which the member has a direct, personal and pecuniary interest. ***(Note: There are additional provisions in the City Charter and Ethics Ordinance in relation to this rule.)*** (AMENDED 04/04/2022)



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2010 - 02

POLICY REGARDING SIDEWALKS AND DRIVEWAY APRONS

WHEREAS, there are aesthetic and cost concerns regarding any municipal decision to construct, repair or replace sidewalks using either brick or concrete; and

WHEREAS, the determination of the materials to be used in sidewalk construction repair and replacement must be made early in the design and engineering process in order to accommodate the City's bidding and contractual policies; and

WHEREAS, a request for a variance from this sidewalk policy regarding standard materials and typical sidewalk and driveway details (Exhibit B) will be made to the Director of Public Works; and

WHEREAS, there may be additional costs for variances from this policy that will be paid by the benefiting parties.

NOW THEREFORE, the City Council adopts the following policy:

- A. Whenever sidewalks are constructed, repaired or replaced in the City the following shall apply:
 1. Sidewalks within the Historic District will be brick, with the exception of the following streets which will be concrete:
 - a. Islington Street,
 - b. New Castle Avenue east of Marcy Street,
 - c. Middle Street and Lafayette Road south of Aldrich Road; and
 - d. All streets west of the easterly shore of the North Mill Pond, with the exception of Nobles Island.

(All as shown on Exhibit A attached hereto.)
 2. Sidewalk material for sidewalks located outside the Historic District which have historically been brick will be determined by vote of the City Council.
 3. Where a sidewalk is located both within the Historic District and outside of the Historic District, the relative portion of the sidewalk that is greater in length shall determine whether the sidewalk shall be brick or concrete.

4. The preferred standard material for all other sidewalks will be concrete.
5. Driveway aprons in the City shall be continuous bituminous asphalt from the edge of road to property line. Sidewalks, if any, shall terminate on either side of driveway apron.

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **May 17, 2010**.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Amended by the Portsmouth City Council on January 20, 2015.
Ratified by the Portsmouth City Council on January 11, 2016.
Ratified by the Portsmouth City Council on January 16, 2018.
Ratified by the Portsmouth City Council on January 8, 2020.
Ratified by the Portsmouth City Council on January 24, 2022.

Kelli L. Barnaby, MMC, CMC, CNHMC
City Clerk