

**Ordinances & Administration Committee**  
Monday, October 3, 2016 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Committee Room – City Hall**  
**-Minutes-**

**Present:** Chair, Councilor Steve LeBlanc; Vice Chair, Councilor Jamie O’Hara; Councilor Sean Nolan  
**Absent:** None.

**Also Present:** Councilor Cox (Left the meeting at 6:11 p.m.); Councilor Gilman (arrived at 6:05 p.m.); Joanne Senos

The meeting was called to order at 6:00 p.m. Matters were taken out of order. There was a quorum of the City Council from the arrival of Councilor Gilman at 6:05 p.m. until the departure of Councilor Cox at 6:11 p.m.

1. *Appointments & Reappointments: None.*
2. *CC2015-044 (Verga, Cox) Amend GCO Sec. 9-12 re: Prohibition of plastic checkout bags (Cont’d from 07/18/16) (TBC 01/03/17)*

This matter is continued to January 3, 2016.

3. *CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted (Cont’d from 07/18/16) (TBC 01/03/17)*

This matter is continued to January 3, 2016.

4. *CC2016-037 (LeBlanc) Request Traffic Commission conduct traffic & speed study of Beach Court & make written recommendation as to whether to amend GCO for safe traffic flow patterns & parking (Cont’d from 09/19/16)(TBC 10/17/16)*

This matter is continued to Oct. 31 due to the Traffic Commission not meeting until Oct. 27.

5. *CC2016-038 (Cox) In accordance with Sec. 22-165 request to amend GCO Sec. 22-279 “Thirty-minute parking” by adding Commercial Street for a distance of 27 ft. from its southerly intersection with Beach Court (Cont’d from 09/19/16)*

**Councilor Cox** noted the original request came from a dental office on Commercial Street with three spaces unregulated. They asked for 30 minute parking and put the order in as requested. She informed the Committee that at the Sept. 22 meeting of the Traffic Commission and pointed out that no one goes into a dental office for 30 minutes. To be fair, she indicated, that at least an hour parking is appropriate, and it was recommended by the Commission that rather than amending GCO Sec. 22-279 “Thirty-minute parking” that the parking spaces located in front of a dental office on Commercial Street and a coffee shop there that it would be more appropriate to limit parking to a two-hour limit which falls under GCO Sec. 22-274 “Two-hour parking.”

Councilor LeBlanc briefly discussed with Councilor Cox that while there had been changes from angle parking to straight parking slots, and it was returned, and several other changes were made to maximize the spaces there. In speaking with the dental office, they didn’t attend the Traffic Commission or come to this meeting, she noted, reiterating that there is no time limit on those spaces, and want to be business friendly but realistic.

**COMMITTEE RECOMMENDATION:** On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 22-274 “Two-hour parking” by ADDING Commercial Street for a distance of 27 feet from its southerly intersection with Beach Court.

This matter will be advertised for public hearing.

6. *CC2016-041 (Nolan) Amend GCO Sec. 22-270 "Parking prohibited at all times" & Sec. 22-291 "Tow-away zones" re: 44 Lexington Avenue (Cont'd from 09/19/16)*

**Councilor Nolan** explained that he brought forward this Council Order to create an area at the entrance to Lexington Avenue #44 for the improvement of emergency vehicle access at the front of this building that is used for access by handicapped vans, and there are over 40 condominium units, and during the winter it is difficult. This will allow for better handicap access at all times. .

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 22-270 "Parking prohibited at all times" by ADDING "Lexington Avenue #44 (at the entrance to the building)."**

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 22-291 "Tow-away zones" by ADDING "Lexington Avenue #44 (at the entrance to the building)."**

These two matters will be advertised for public hearing.

7. *CC2016-042 (Cox) Request the removal of first two parking meters on Duncan St. from Main St. & amend GCO Sec. 22-280 "Fifteen-minute parking" to add two (2) fifteen-minute parking spaces*

**Councilor LeBlanc** conveyed that her Council Order to remove the first two parking meters on Duncan Street heading down from Main Street was requested by the former owners of Alchemy Restaurant and that those two spaces be now made to be fifteen-minute parking only. She indicated that the two meter heads to be removed can be transitioned to other parking spaces in the city.

**Councilor Cox** advised that there will be a change of use of the former restaurant which is a business model change. **Mark Donough**, 3 Duncan Street, President of Eden Restaurant Corporation, reported with the closing of their restaurant Alchemy, they have come upon the cutting edge restaurant trend is for good quality ingredients, well prepared quickly for take-out and for patrons to self-serve eat-in, busing their own tables negating the need for any wait staff. He indicated this model is very successful elsewhere and expressed his belief it would be very successful at the former Alchemy location. There is an expectation of a great deal of take-out service, and Duncan street being very narrow, he suggested that it would be appropriate to have two fifteen-minute parking spaces in front of 3 Duncan Street.

**Councilor O'Hara** inquired as to the hours of operation. **Mr. McDonough** confirmed this take-out, self-serve restaurant would serve breakfast, lunch and dinner.

**Councilor Nolan** suggested that it sounds like a good idea overall.

**Councilor Cox** added that if this change to Duncan Street doesn't work they can reconsider the situation.

**COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 22-280 "Fifteen-minute parking" by adding two (2) fifteen-minute parking spaces on Duncan Street (with proper signage)."**

This matter will be advertised for public hearing.

8. *CC2016-043 (Nolan) Amend GCO Sec. 22-270 "Prohibited parking at all times" & Sec. 22-291 "Tow-away zones" re: Concord Street*

**Councilor Nolan** moved to withdraw his Council Order and the Committee voted as follows:

**COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to permit the withdrawal without**

**prejudice of CC2016-043 to Amend GCO Sec. 22-270 “Prohibited parking at all times” & Sec. 22-291 “Tow-away zones” re: Concord Street.**

This matter will come forward at the Oct. 11 City Council meeting under Committee Report.

**9. CC2016-044 (Gilman) Request to Amend GCO Sec. 22-284 “Service or loading zones” re: Holly Street (TBC 10/17/16)**

This matter will be continued to October 31, 2016.

**10. Review of Vote of the O&A Committee of July 17, 2016 pursuant to possible amendment of GCO Sec. 4-16(a) regarding expansion of off-leash areas for dogs (Cont’d from 08/15/16)**

**A. Dissolution of Ad Hoc Dog Committee**

**Councilor LeBlanc** advised that the Ad Hoc Dog Committee was formed for the purpose of a short-term examination of the city’s current dog ordinances and to give some suggestions as to how the city might wish to consider possible amending of them. He said that the Ad Hoc Committee has fulfilled that purpose. He then moved to dissolve the Ad Hoc Dog Committee as formed by vote of the Ordinances & Administration Committee on April 4, 2016.

**Councilor O’Hara** voiced his objection that the Ad Hoc Committee has worked hard. There were three top questions and having areas for dogs to run off leash in the city was one of those three during the municipal campaign. He expressed his concern that the O&A Committee is considering even dissolving Ad Hoc Committee peopled with dedicated volunteers who put in so much time and have done such good work. He once again recounted that there is no place for dogs to legally run off leash in summer on city property near the ocean for them to cool off when Gloucester is completely surrounded by water.

**Councilor LeBlanc** noting he has been a Councilor for almost six years now, and understanding Councilor O’Hara’s concerns, he reiterated that an Ad Hoc Committee is not a long-term advisory adjunct of a Standing Committee. He pointed out it is meant for the short term and is not a voting body and has no vote. **Councilor O’Hara** again voiced his objection of the dissolution of the Ad Hoc Committee to his fellow Councilors. Councilor LeBlanc reminded his fellow Councilors that this is not an Ad Hoc Committee appointed by the Mayor – it has been seven months since the Ad Hoc Committee was created by vote of the O&A Committee who made their report August 1, and reiterated it is not a voting body.

**Joanne Senos**, City Clerk, described that an Ad Hoc Committee, after being charged with their task by the Standing Committee does their job and then are disbanded upon completion of their assigned task. She pointed up this is solely up to the O&A Committee, and that no Ad Hoc Committee is meant to be long term. She added that the Ad Hoc Dog Committee gave the O&A Committee their recommendations, some acted upon and some that couldn’t be acted upon.

**Councilor O’Hara** asked that the Ad Hoc Committee not dissolved.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 2 in favor, 1 (O’Hara) opposed, to dissolve the Ad Hoc Dog Committee as it was formed by a previous vote of the Ordinances & Administration Committee on April 4, 2016.**

**MOTION PASSES ON A VOTE OF 2 IN FAVOR, 1 OPPOSED.**

**Linda Brayton**, 527 Washington Street, member of the Ad Hoc Dog Committee asserted that the Ad Hoc Committee did what they were charged to do, and expressed her concern at the dissolution of it.

**Councilor LeBlanc** acknowledged that the Ad Hoc Dog Committee volunteers did their due diligence and worked very hard to craft ideas and suggestions for the improvement of the dog ordinance, but after consulting General Counsel and the City Clerk, with no substantive gain to move forward, it was time to dissolve the Ad Hoc Dog Committee. He assured that the due diligence on file from the Ad Hoc Dog Committee and that the Ad Hoc Committee’s well known intent gives the O&A Committee a basis to work and fine tune recommendations to the Council with the assistance of General Council and advice from department heads on possible amendments to the Code of Ordinances regarding dogs. He said this will now be all taken into consideration by the O&A Committee who will move forward examining the matter together.

**Valerie Nelson**, 7 Sunset Point Road, mentioned that the Ad Hoc Committee made a decision to go after beaches at the expense of other more substantive city-wide proposals. She suggested the Ad Hoc Committee would have move into a larger city-wide agenda and asked what would be the mechanism to bring those suggestions from the group. **Councilor LeBlanc** said the Ad Hoc Dog Committee was charged to look at the city overall and not just swimming areas for dogs. **Ms. Nelson** confirmed with **Councilor LeBlanc** that the Councilors would listen to what the volunteers have to say through each of them individually.

**B. CC2016- 031 (O’Hara)**

**Councilor LeBlanc** reviewed that the following portion of Council Order 2016-031 is not actionable by the Council; and therefore it is rendered moot and now closed:

“Ordered that the Ordinances and Administration Standing Committee consider whether the Code of Ordinances Sec. 4-16a should be amended to expand off-leash areas for dogs year round at Crab Beach and Lanes Cove as follows: Amend Sec. 4-16a by ADDING “and public landings at certain times” and to ADD to the last sentence of Sec. 4-16a “Crab Beach and Lane’s Cove year round.”

He noted he and General Counsel had advised Councilor O’Hara as did the City Clerk that the Council Order either needed amending or withdrawal to change it because what came for areas for dogs to be off leash on beaches was a completely different proposal, but that had not transpired.

He explained that the second portion of the Councilor order that states, “FURTHER ORDERED that the Ordinances and Administration Committee consider whether the Code of Ordinances Sec. 4-16d(a)(2) should be amended to ADD new subsection as follows:

“k. Dogs that weigh 25 pounds or less are not allowed in area designated for large dogs.

1. Dogs that weigh 26 pounds or more are not allowed in the area designed for small dogs;”

This portion of Council Order 2016-031 had been appropriately acted upon by the O&A Committee at its August 1 and can be moved forward to public hearing now.

**C. Rectifying Vote taken on 07/18/16 that the Code Of Ordinances, Sec. 4-16(a) be Amended by ADDING unleashed dogs on Cressy Beach at certain times as well as Plum Cove and Niles Beaches**

**Councilor LeBlanc** then advised that given that the motion made at the July 18 meeting regarding adding beaches for unleashed dogs came before the Committee without proper Council process, this vote must now be rescinded. That process should have been a dedicated Council Order appropriately referred by the City Council or through the amending of a current Council Order (see item sitting at the Committee, neither of which happened. Additionally, this motion was voted upon without any discussion previously on Niles Beach by the Committee.

**Councilor LeBlanc** then moved and was seconded by **Councilor Nolan**, that the O&A Committee rescind its vote to recommend to the City Council the amending of GCO Chapter 4, Article II, Sec. 4-16(a) “Dogs allowed on public beaches at certain times” by DELETING the first and second paragraphs and ADDING new the following ordinance language:

“Dogs shall be prohibited from public beaches from May 1 to September 30 annually with the following exceptions: 1) Dogs are allowed leashed and unleashed on Cressy Beach; 2) Dogs are allowed leashed and unleashed at Plum Cove Beach and Niles Beach from 5:30 p.m. to sunset and sunrise to 8:00 a.m.

Dogs shall be allowed leashed and unleashed on public beaches from October 1 to April 30 subject to the following exceptions: 1) Dogs are allowed unleashed only on even-numbered days at Good Harbor Beach; 2) Dogs are allowed unleashed only on odd-numbered days at Wingsheek Beach, subject to the following conditions:...”

The motion was seconded by Councilor Nolan. After a brief discussion with an objection voiced by Councilor O’Hara, the Committee voted in favor, opposed to rescind its vote of July 18, 2016 of GCO Chapter 4, Article II, Sec. 4-16(a) “Dogs allowed on public beaches at certain times” by DELETING the first and second paragraphs and ADDING new the following ordinance language:

“Dogs shall be prohibited from public beaches from May 1 to September 30 annually with the following exceptions: 1) Dogs are allowed leashed and unleashed on Cressy Beach; 2) Dogs are allowed leashed and unleashed at Plum Cove Beach and Niles Beach from 5:30 p.m. to sunset and sunrise to 8:00 a.m.

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**Councilor O'Hara** briefly discussed his concern for the rescission of the motion and its process. **Ms. Senos** noted she was copied on the email sent from General Counsel to Councilor O'Hara where Chip Payson had informed the Councilor that the matter had come forward improper procedure. There was no Council Order to match the action; and therefore it was not an appropriate vote. She said she would forward a copy of that email to the Councilor for his records. She assured Councilor O'Hara that if he wished to craft a new Council Order she would assist him.

**Councilor Gilman** asked if it benefits the Council if the initiatives for O&A to consider were presented in singular items for action on Council Orders rather than in combination that it may allow for a smoother process. She suggested that a Council Order should have matter such as one beach to be made available for unleashed dogs and their owners year round, and a second beach on a second Council Order. She also confirmed with Councilor LeBlanc that the dissolution of the O&A Ad Hoc Dog Committee only comes before the Committee and not the full Council on it and another have the other beach. She asked if this Ad Hoc group could have an opportunity to make a summary presentation to the O&A Committee on what they learned. She suggested that would be an appropriate way to thank the Ad Hoc volunteers and as a way for the O&A Committee to learn from their experiences. Councilor LeBlanc said he would be open to that. He recounted that he chaired the first Ad Hoc Dog Committee and learned well what could and couldn't be done. He reminded those present it was very hard to get dogs on beaches the first time. He said the O&A Committee will work on its own with input from what has gone before by the Ad Hoc Dog Committee to craft any further amendments to the ordinance.

**Councilor Nolan** said the amount of information produced by the Ad Hoc Dog Committee won't go away -- the recommendations are on file with the Committee. They need to find places where dogs can access public areas on the water, and make it simple for the process to move more quickly. He expressed his praise for how the Ad Hoc Committee conducted themselves in their short-term advisory roles. The process, he noted, could work more smoothly now that there has been this experience. The opinions of the now former Ad Hoc Committee volunteers will be paid attention to, he assured, as they laid a good foundation. **Ms. Nelson** asked the Committee to keep in mind that there are other city-wide dog initiatives that the Ad Hoc Committee had to bring forward but hadn't done so to date. **Councilor LeBlanc** encouraged Ms. Nelson to email the Committee those initiatives.

**Councilor O'Hara** asked for guidance when the Beach Traffic Committee should make their report. Had he known several weeks previously that the Chair would need to wrap things up for the Ad Hoc Dog Committee this would have played out differently, rather than getting the news through the Chair at the meeting tonight, he pointed out. **Councilor LeBlanc** and Councilor O'Hara briefly touched upon the work of the Beach Traffic Ad Hoc Committee, and Councilor LeBlanc asked for a report from them in the next several weeks.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 2 in favor, 1 (O'Hara) opposed, to rescind its vote to recommend to the City Council the amending of GCO Chapter 4, Article II, Sec. 4-16(a) "Dogs allowed on public beaches at certain times" by DELETING the first and second paragraphs and ADDING new the following ordinance language:**

**"Dogs shall be prohibited from public beaches from May 1 to September 30 annually with the following exceptions: 1) Dogs are allowed leashed and unleashed on Cressy Beach; 2) Dogs are allowed leashed and unleashed at Plum Cove Beach and Niles Beach from 5:30 p.m. to sunset and sunrise to 8:00 a.m.**

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**The motion was seconded by Councilor Nolan. After a brief discussion with an objection voiced by Councilor O'Hara, the Committee voted in favor, opposed to rescind its vote of July 18, 2016 of GCO Chapter 4, Article II, Sec. 4-16(a) "Dogs allowed on public beaches at certain times" by DELETING the first and second paragraphs and ADDING new the following ordinance language:**

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MOTION PASSES ON A VOTE OF 2 IN FAVOR, 1 OPPOSED.

This matter is now closed.

**A motion was made, seconded and voted 2 in favor, 1 opposed, to adjourn the meeting at 7:00 p.m.**

**Respectfully submitted,**

*Dana C. Jorgenson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**