

**Ordinances & Administration Committee**  
Monday, May 14, 2018 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Conference Room – City Hall**  
**-Minutes-**

**Present:** Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara (entered the meeting at 6:01 p.m.); Councilor Sean Nolan

**Absent:** None.

**Also Present:** Councilor Gilman; Councilor Lundberg (entered the meeting at 6:27 p.m.); Joanne M. Senos; Jim Destino; Chip Payson; Mark Cole; Grace Poirier

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council established upon the arrival of Councilor Lundberg at 6:27 p.m.

**1. *New Appointments to Boards, Committees & Commissions***

Cemetery Advisory Committee                      Christine Maney (Alternate)                      TTE 02/14/21

Ms. Maney explained that she is a former scientist and is a researcher, just retired. She commended the current Cemetery Advisory Committee members for their fine work to date. She noted that she’s attended meetings.

Councilor Nolan pointed out that the committee has come a long way, adding that Ms. Maney will be a good asset for them. Councilor LeBlanc and Ms. Maney touched upon Clark Cemetery briefly noting the fact that it is a city-owned cemetery although named for a specific family.

**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 appoint Christine Maney as Alternate member to the Cemetery Advisory Committee, TTE 02/14/21.

Gloucester Cultural Council                      Connie Zaitchik (Cont’d from 4/30/18                      TTE 02/14/19

Ms. Zaitchik highlighted for the Committee that although retired, she is an artist. She noted she’s attended Cultural Council meetings and that the funds the Council distributes can make a difference for an artist’s work. She expressed that she is a strong believer in volunteerism, adding that the Cultural Council is a great asset.

**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 appoint Connie Zaitchik to the Gloucester Cultural Council, TTE 02/14/19.

Historical Commission                      Peter Lawrence                      TTE 02/14/21

Mr. Lawrence conveyed that he’s always been interested in older buildings as an architect, noting he has done restoration work. He explained his being a member of the Historical Commission would be a way for him to contribute to the community. He advised he’s been going to meetings. Councilor LeBlanc reminded Mr. Lawrence that this is a Commission that tells people how things have to be done, sometimes not in the way the homeowner wishes to do, and that it is important that the Commission members be sensitive to that.

**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 appoint Peter Lawrence to the Historical Commission, TTE 02/14/21.

**2. *Memo from Assistant Public Works Director re: updates to Beach & Stage Fort Park regulations (Cont’d from 04/30/18)***

Mark Cole, Assistant DPW Director, explained the proposed changes to the Beach & Stage Fort Park regulations as clarifying issues.

- Lifeguards -- they are adding “YMCA certification” in addition to Red Cross certification as both programs are very similar;

- The snack bar at Stage Fort Park no longer exists at the Visitor's Center and reference is now removed;
- Under Resident Sticker Criteria the word, "women" is added so it now reads "...servicemen and women are eligible for the stickers..."
- Under inflatable objects, the words "all PFD's" (Personal Flotation Devices). **Mr. Cole** pointed out that a PFD is a Coast Guard certified flotation device, with the Good Harbor Beach creek current and the open water of Ipswich Bay off of Wingersheek Beach, it only takes a moment for an inexperienced swimmer to be carried away. No flotation devices are allowed, and this is one which should have been included, he added.
- Under Miscellaneous Restrictions, tents are now prohibited if larger than 10'x10'. It was noted that 10' x 10' pop-up tents are allowed if there is room. Were multiple tents set up side by side, beachgoers would be made to split them up or to take them down altogether, **Mr. Cole** advised, responding to an inquiry by **Councilor Nolan**.
- It was noted that some years ago model airplane enthusiasts flew their planes at Good Harbor Beach, and there was a strict set of regulations governing the use. Model airplane enthusiasts now use Magnolia Woods for flying their planes, and so that section is removed. In its place is language that says that drones, model airplanes, radio controlled aircraft is not allowed in season at any of the public beaches or parking lots.
- Restrictions under Pets, Cressy Beach is added for dogs off-leash on odd-number days in the off-season and consecutive days year round on Crab Beach. #16 was removed which was the clause that said that if it wasn't renewed by the City Council by a certain date that the whole set of dog ordinances would be moot.
- Late last year the DPW purchased several sets of surf condition warning flags, a set comprised of different colored flags that indicate surf conditions which is another tool to help the lifeguards at Good Harbor and Wingersheek Beaches. Flags will be positioned at the ends of the boardwalks, on the lifeguard stands. Signage will be posted at the beaches with flag definitions before beachgoers walk onto the beaches.

**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 the Beach & Stage Fort Park Regulations as submitted by the Assistant DPW Director to the Ordinances & Administration Committee as of May 14, 2018, and to carry a new effective date of May 24, 2018.**

This matter will come forward under Committee Report.

3. **CC2018-016 (Gilman/Nolan) Amend the February 28, 2017 City Council Rules of Procedure by ADDING Item 2A to Rule #2 as follows: "Gloucester Green Tip (Cont'd from 04/30/18)**

**Councilor Gilman** explained that they are presenting a Council Order that advocates for environmental education as the city is a leader in a clean environment, citing such in matters as the city's the polystyrene ban. She conveyed that people look to the Council to be progressive, and by adding a section to the Council's Rules of Procedure it will allow at the beginning of each Council meeting a two or three minute environmental subject summary. She noted that this would show a great partnership with the city committees, such as the Clean City Commission and the Clean Energy Commission, for instance; and suggested administrating such an effort wouldn't take a lot of work. She noted she'd asked the City Clerk to investigate whether such an initiative was utilized in other municipal Council/Board of Selectmen meetings. At the request of **Councilor LeBlanc**, City Clerk, **Joanne M. Senos**, advised that no other municipalities in the state have such matters on their agendas regularly. **Ainsley Smith**, 14 Pine Street, Chair, Clean City Commission, noted the support of the Clean City Commission, mentioning that it gives the public something to think about. She suggested that this initiative should be kept to city committees and commissions.

**Councilor Nolan** expressed his support for this initiative. He suggested that sometimes it's easier to have a presentation for two minutes at the start of the meeting, and other communities could emulate. He added that if the Historical Commission wanted to bring something forward, as an example, it would be an appropriate time as it could be used as a tool for updating the Council that anyone can do. He pointed out that someone has to be in charge of the initiative to organize it. **Councilor LeBlanc** pointed out that committees and commissions can already come before the Council simply by asking the Council President for the time. He conveyed he didn't want to amend the Council Rules of Procedure, although he acknowledged the sentiment. Having all the boards and commissions

at every Council meeting isn't necessary, he added. He pointed out this is an educational moment and would be a separate time apart from Oral Communications. It may not be every meeting; he suggested, and reiterated his support for the amendment to the Rules of Procedure.

**Councilor Gilman** advised that this amendment is about the environment, mentioning several city programs. She noted this wouldn't replace any broader presentation through the Council President, suggesting that organization of the rotation of speakers wouldn't take a lot. She asked that the Council to try it. **Councilor LeBlanc** cited that City Council Rules of Procedure are for the purpose of running the Council meetings and rules that they follow. This would open the door to 33 city boards, committees, councils and commissions, he opined. Asking for the opinion of General Counsel, **Councilor LeBlanc** heard from **Chip Payson** that the Council has the right to amend its Rules of Procedure. **Councilor LeBlanc** suggested that while this is a good idea they have to draw the line because if they open the door to one commission they'll have to open it for others. Councilors could rotate amongst themselves at the end of the meeting to offer "Green Tips," he noted, but that this was setting a precedent they shouldn't necessarily set. He discussed the initiative briefly with **Ms. Smith** also.

**Jim Destino**, CAO, suggested it is a nice idea that could benefit the community but expressed concern for the involvement of city staff who oversee these boards, commissions or committees who'd have to attend Council meetings because of the very short presentations.

**Councilor O'Hara** acknowledged the initiative as forward thinking, but that there is the provision under the Council Rules of Procedure, Oral Communications where speakers are allowed up to three minutes at every meeting to speak on a matter not on the Council's agenda. He mentioned possible matters Councilors could touch upon at the end of meetings. He expressed his agreement with Councilor LeBlanc.

**Councilor Nolan** pointed out this would be an educational moment and would be a separate time apart from Oral Communications.

**Ms. Senos** asked how such a broad educational tip for all boards, committees, councils and commissions would be organized, pointing out that it would fall upon her office to organize.

**Councilor Gilman** suggested that if they broaden the concept of the initiative the Green Tip purpose would no longer be the intent of the original Council Order, to be strategic and demonstrating a commitment to the environment. Noting the resistance to the proposed initiative to amend the Council's Rules of Procedure, **Councilor Gilman** asked to withdraw her Council Order without prejudice at this time and rethink the initiative.

**COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council withdraw Council Order CC2018-016 (Gilman/Nolan) the February 28, 2017 City Council Rules of Procedure by ADDING Item 2A to Rule #2 as follows: "Gloucester Green Tip" without prejudice.**

This matter will come forward under "Committee Report."

4. **CC2018-022 (Cox) Amend GCO Ch. 22 "Traffic and Motor Vehicles" Art. V, Div. 3 "Parking Meters," Sec. 22-218 "Deposit of coin required; overtime parking; exemption" by DELETING subsection 22-218(c)**

**Councilor LeBlanc** advised he'd spoken to Councilor Cox on this matter as she is unable to attend. He described that Councilor Cox is the Council's representative to the Downtown Development Commission, noting that the Mayor has the option of declaring meter holidays in specific instances. Businesses downtown don't want that anymore and the request is to remove the option of free holiday parking, he explained. It was also noted that if the Mayor wanted to have municipal lots excluded from the meter holidays, it would not be an issue. He advised that Councilor Cox further conveyed that she'd met with downtown merchants who have told her they don't want these options available moving forward. He advised many times employees of downtown merchants park on Main Street, taking up spaces for patrons of the businesses when meter holidays are declared.

**Mr. Destino** clarified that this amendment relates specifically to coin operated meters. **Ms. Senos** added some Code of Ordinances background information to the conversation pointing out that there are kiosks now at city parking lots which are exempt. **Councilor LeBlanc** reconfirmed that this is for coin operated meters only as referred to in the specific ordinance section.

**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 Ch. 22 "Traffic and Motor Vehicles" Art. V, Div. 3 "Parking Meters" Sec. 22-218 "Deposit of coin required; overtime parking; exemption" by DELETING subsection 22-218(c) as follows:**

**“Notwithstanding any other provisions in Article V, Division 3, no parking meter fees shall be due under subsection (a) nor shall any penalty be imposed for failure to pay on days declared a parking meter holiday which shall consist of Black Friday and Small Business Saturday, dates around the Thanksgiving holiday, and that these parking meter holidays also are to include any sales-tax holidays adopted by the Massachusetts State Legislature.”**

This matter will be advertised for public hearing.

5. *CC2018-018 (Gilman/Memhard/O’Hara) Placement of question on ballot for a special election to be held in 2018 which would state, “Shall this city adopt the following ordinance? Consistent with MGL c. 94G, sec. 3(a)(2) non-medical marijuana retailers as defined in MGL c. 94G, sec. 1 shall be limited to one (1) within the City of Gloucester*

**Councilor Gilman** explained that CC2018-018 is initiative for a proposed ballot question is to allow residents to be able to weigh in on how many retail recreational marijuana establishments are appropriate for the city. She mentioned the ballot question from 2016 when city registered voters by 56.7% voted in favor for the sale of retail recreational marijuana. She noted the 2016 ballot narrative which she read and upon finishing suggested that the language was less than clear to voters. She highlighted in her statement to the Committee a timeline leading to this effort through the state laws and the release of the Cannabis Control Commission regulations. She pointed out the state formula for the allowed number of retail recreational marijuana establishments is based on the number of full liquor licenses in the city, of which there are 17 liquor licenses which equates by formula city to 3.4 or rounded down, 3.0 recreational marijuana retail establishments allowed. The Mayor, in a memorandum to the City Council on April 14, 2018 recommended that the City Council vote to limit the number of recreational marijuana retail establishments to three, she advised. She recounted that Council President Lundberg has a Council Order, CC2018-019 to amend the Code of Ordinances to limit retail recreational marijuana establishments to three which the Councilor stated for the record serves as a foundation document. The recommendation in this Council Order is a consideration for the reduction of the number of retail recreational marijuana establishments to less than three; and if approved by the Council must go to the voters of the city via special election. She then read to the Committee Council Order 2018-018 and asked that the residents be allowed to decide, as towns around Gloucester who have or will vote on the same matter. She pointed out that the citizens of Gloucester should have the same opportunity.

**Councilor LeBlanc** noted that Happy Valley, a permitted medical marijuana cultivation and retail medical marijuana establishment in Blackburn Industrial Park can have by right a retail recreational marijuana establishment. He recounted that Happy Valley had confirmed when they were before the Council they were going to apply for a recreational marijuana permit were it to become available. This is allowed automatically under the CCC regulations which **Mr. Destino** confirmed. **Councilor LeBlanc** highlighted that would then become the city’s only retail recreational marijuana establishment should the ballot question go forward and the voters vote to keep the establishments at one. He asked if there would be a Host Agreement for the Happy Valley retail recreational marijuana establishment. **Mr. Destino** confirmed there would be a Host Agreement with any licensed recreational marijuana retail establishment -- there would be a Host Agreement separately for recreational marijuana for Happy Valley whether it is medical, recreational marijuana, a testing laboratory, etc. He pointed out that the Happy Valley Host Agreement had a negotiated clause that the city receives 5% of all retail medical marijuana sales, but with the recreational marijuana retail establishments, it can only be 3%, as capped by the CCC which is the “impact fee.” He recounted that the impact fee can only be used for costs incurred by the city on education and public safety. He added that at the last City Council meeting the Council adopted the 3% sales tax for recreational marijuana sales which goes to the city’s General Fund, in addition to the impact fee which is placed in a special fund, as the use of the impact fees is specific. **Mr. Destino** added that they’ll be able to justify the use of the 3% impact fee. He mentioned there will have to be an annual report to the state on impact and justification of use of impact fee funds on the part of the city.

**Councilor Gilman** noted many people have asked her why they couldn’t ask many levels of a question on a ballot, such as options for an outright ban, capping retail recreational marijuana establishments at one, two, three or more. She asked for General Counsel’s input as to why there can’t be options for a ballot question. **Councilor LeBlanc** noted that before they look at a ballot question, they need to examine the impact suggesting ward Councilors to hold some listening posts before they do this. When the ballot question was drawn up last time, he suggested people may not have realized they were voting for retail establishments, rather they may have thought they were voting for decriminalization. People, he added, need to understand the financial, zoning and community impact.

**Mr. Destino** noted as far as ward meetings go, they've done that -- the result was that people said they don't want them in their backyard yet 57% voted for this. The language was clear in the ballot question and in its narrative, he pointed out. **Mr. Destino** advised that the Mayor's office doesn't support this ballot question. Expressing understanding for Councilor Gilman's concern around this issue, added that it took a long time to come to a thoughtful recommendation. He noted that the vote was 3-2 by the Task Force to ask for a ban; the advisory committee established by the Mayor. As they go through another budget season, he highlighted, it is difficult to fund training and education -- this is a revenue source.

**Mr. Destino** asked when a special election could be scheduled. **Ms. Senos** advised it is too late for a July 31 date, and pointed out there is a State Primary election September 4, and a State Election on November 6. She suggested that it would have to take place either the end of September or beginning of October. **Mr. Destino** pointed out there is zoning now in front of the Planning Board which will be recommended to the Planning & Development Committee, and that the city has business concerns who want to apply for retail recreational marijuana establishment licenses. He highlighted that as soon as the Council votes on the zoning, the moratorium now in place ends. He added that on July 1<sup>st</sup> people can get licensed and open up retail recreational marijuana establishments. He suggested by having a special election for this ballot question the Council is putting off the Planning Board's work.

**Mr. Payson** noted that the proposed law the ballot question proposed in 2016 was clear which he read. **Councilor Gilman** pointed out that the ballot question was about consumption. **Mr. Payson** then reread the specific language that referenced commercial establishments in the 2016 ballot question.

**Councilor Lundberg** suggested that this order is a public debate about the retail establishments. He conveyed that the way to do that is to have the proposed Zoning Ordinance come forward, know where the establishments can be located, so that now the matter that concerns most people where will the shops be located will be known thereby focusing that conversation. The zoning proposal will raise the issue and allow them to have that debate and have citizens input which will inform the Council, he pointed out, because at this time it remains an abstraction which the zoning will eliminate. He noted he was hopeful that the zoning would come forward as soon as possible. He asked they wait to see how the debate goes. **Mr. Destino** noted they talked about it at the Task Force level that when the zoning matter comes forward it will bring about the debate. He asked why the city would give one business a monopoly with no competition for pricing. In essence this is asking for a ban, he pointed out.

**Councilor Gilman** expressed that she is asking to allow the citizens of Gloucester to vote on limiting the number of retail establishments because voters haven't had the ability to deliberate where the vote in 2016 that wasn't clear cut. She noted that half of the people she spoke to didn't want retail recreational marijuana establishments. This process will take the vote out of the Standing Committee and bring it to a public hearing; then the Council can take a vote if they want to move forward with a ballot question. This, she pointed out is what Rockport and Manchester and other municipalities have done. She highlighted that the Council is making a decision guided by the Mayor's office. The recommendation of the Task Force, Health & Safety subcommittee recommended the city allow as few establishments as possible and that they be in areas not heavily trafficked. She commented that the Council has an obligation to ask the citizens of Gloucester what they feel is right. It is an emotional issue for many people, she noted saying that is fair democratic process.

**Councilor LeBlanc** highlighted that they need to know where these retail establishments will be located before they take any action. **Councilor Gilman** pointed out that if the Council President's Council Order passes there will be three retail establishments, with one is already in place leaving two more establishments to be able to obtain licenses. It was noted that the proposed Zoning Ordinance will go to the Planning Board at their next meeting, she noted.

**Councilor LeBlanc** advised he's changed his opinion since the start of this process. Recreational marijuana is here one way or another and the Council has to do the best it can to zone around it, educationally and public safety wise; but people voted for this.

**Councilor O'Hara** asked where they think people would want a marijuana retail establishment, suggesting there isn't any place in the city for such places as no one wants it in their backyard, he pointed out. He mentioned several examples of people who have issues with opiates who told him they started with marijuana which he suggested was a "gateway" drug. Advising he would do what he can to minimize this impact, **Councilor LeBlanc** expressed empathy that there are many families affected. He pointed out that the reality of retail recreational marijuana is that it is a controlled; it isn't laced with anything and that the recreational marijuana is tracked "seed to sale" to be consumed responsibly by adults rather than bought off the black market with no knowledge of its actual contents. He expressed he's changed his mind as well, as previously he was for banning recreational marijuana.

**Councilor Gilman** reiterating her call to recommend a ballot question acknowledged it costs \$15,000 to run a special election, but she urged they need to have this dialog with the citizens of Gloucester. They're making a lot of

strong statements without asking citizens to weigh in. **Councilor LeBlanc** expressed he would not support a ballot question.

**Councilor Lundberg** advised that the zoning moratorium ends if the Council passes the Zoning Ordinance amendment. He noted he would like to get the debate going. The proposed zoning ordinance is the vehicle, he pointed out, and then people can see where retail establishments could be located. **Councilor Lundberg** added that they don't have to finalize the zoning and can bring it forward and understand what it says and hold off on this process if the Council supports it without ending the moratorium. **Councilor LeBlanc** expressed agreement with Councilor Lundberg.

**Councilors Nolan** and **O'Hara** briefly discussed the past issue of the residents around the Kondelin Road Industrial Park objecting to an overlay district to allow a marijuana cultivation center. **Councilor Nolan** pointed out that the Zoning Ordinance at that time said such establishments had to be in a business park. He pointed out that zoning could be a tool to regulate and it can be zoned so they can control what happens. If they can do something with zoning, he expressed he'd feel more comfortable. He noted it is what the people in his ward want saying they voted for it overwhelmingly. The next step is to see the zoning first, he suggested, and as soon as possible. **Mr. Destino** highlighted that the Planning Director has only just finished composing the Zoning Ordinance which is comprehensive, noting such matters covered as limits to advertising, security and a list of laws to be put in place to control it. The moratorium was for the purpose of crafting laws, he added.

**Councilor Gilman** advised the Committee she's received 22 letters in support for 1 recreational marijuana retail establishment and 1 letter for three recreational marijuana retail establishments in the city.

**Councilor LeBlanc** asked to continue the matter until the Council receives the proposed ordinance.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 2 in favor, 1 (O'Hara) opposed, to continue CC2018-018 matter to June 18, 2018.**

6. CC2018-023 (Cox) Amend GCO Ch. Amend GCO Ch. 22, "Traffic and Motor Vehicles" Sec. 22-279 "Thirty-minute parking" by DELETING "Western Avenue, northerly side from Centennial Avenue to Perkins Road" and amend Sec. 22-280 "Fifteen-minute parking" by ADDING "Western Avenue, northerly side from Centennial venue to Perkins Road" (TBC 06/05/18)

This matter is continued to June 5, 2018.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

*Dana C. Jorgensson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- Memorandum from Councilors Gilman, Memhard and O'Hara pursuant to CC2018-018 dated May 14, 2018

*Jeanne M. Seno*  
**TRUE COPY ATTEST**

**CITY CLERK**

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