

GLOUCESTER CITY COUNCIL MEETING

Tuesday, August 28, 2018 – 7:00 p.m.

Kyrouz Auditorium – City Hall

-MINUTES-

Present: Chair, Councilor Paul Lundberg; Councilor Melissa Cox; Councilor Valerie Gilman; Councilor Kenneth Hecht; Councilor Jennifer Holmgren; Councilor Scott Memhard; Councilor James O'Hara

Absent: Councilor LeBlanc; Councilor Nolan

Also Present: Joanne Senos; Jim Destino; Amit Chhayani; Chip Payson; Mike Hale; Fire Chief Eric Smith

The meeting was called to order at 7:00 p.m. The Council President announced that this meeting is recorded by video and audio in accordance with state Open Meeting Law.

NOTE: Some agenda items were taken out of order.

Flag Salute & Moment of Silence. The Moment of Silence was dedicated to the memory of George Belezos, a former Deputy Fire Chief, a decorated WWII veteran and a valued member of the City of Gloucester who passed away over the weekend.

Oral Communications: None.

Presentations/Commendations:

Presentation by General Counsel and Director of Public Works re: Private and Public Roads:

Chip Payson, General Counsel, explained the following:

- Three types of ways existing in Massachusetts:

Public Way - the public has a right to pass and repass over all public ways. Municipalities are responsible for costs associated with the repair and upkeep. Private individuals generally may not make major repairs to a public way without prior authorization from the municipality. They may petition the municipality to have inadequate public ways upgraded, and the municipality may contract with abutters to do so.

True Private Way - ways that are wholly the subject of private ownership and private use; the public has no right to pass and repass.

Statutory Private Way - privately owned usually by the abutters along the way but the public has right to pass and repass. The Supreme Judicial Court (SJC) has noted in a case as far back as 1866 that the origin of some of these private ways may be so ancient as to be unknown, predating the founding of the country and incorporation of cities. These were likely ways that were necessary for access to the lands of certain person or properties and likely laid out by the municipality or its predecessor but paid for by the persons or properties that benefitted from them. Massachusetts law provides a legal presumption that the ownership of abutters on statutory private ways runs to the center line of the way and carries with it the right to use the private way for its entire length. These ancient roads are the statutory private roads of today. They were never subsumed by the city when it was incorporated and remained private in ownership but public in use. There are constitutional and legal restrictions on what a municipality can and cannot do with them. The SJC has "firmly" stated, "It is a fundamental principle conforming to constitutional requirements and frequently declared that money raised by taxation can be used only for public purposes and not for the advantage of private individuals." This means that *public funds cannot be used for private purposes which include the repair of private ways*. The Massachusetts legislature has provided municipalities in statute with the ability to appropriate money to plow and make minor repairs, such as filling potholes, to statutory private ways *only* if these ways are open to the public. As to liability, the abutting owners are liable for such defects or lack of repairs on statutory private ways that may exist.

- Private Way Becoming Public: In order for a private way to become public, the city must follow certain steps laid out in statute. The City Council must take an affirmative vote to take the private way and make it public. The procedural "hurdle" of affirmative acceptance is there for a purpose -- a taking of a private way by a municipality is an eminent domain action. Some misconceptions about this process: 1) The city doesn't designate private ways as public. The procedure is statutorily substantial and must be adhered to. 2) There is no grandfathering of private ways into making them public ways. The city must follow the statutory procedure in order to take a private way. 3) Allowing the public to use a statutory private way doesn't make it public. 4) A municipality providing minor repairs or snow removal to a statutory private way doesn't make a statutory private way public. 5) Landowners can't force a municipality to take a private way and make it a public way.

- The taking of a private way by a municipality has its legal basis in eminent domain. The Council must take an affirmative vote to take the private way and make it a public way. Absent that, there is not a public way. There are specific reasons why a municipality would want to go slow in taking private ways public. As the courts have said, "If any way could be made public solely by the acts of land owners with no accompanying act by public authorities, the municipality would be responsible for the maintenance and repair of countless ways." Assuming the care and control of numerous ways can have significant budget implications. Taking them all at once in a short period of time could bankrupt a municipality.
- Municipalities may, under law, establish an ordinance by which they may better a statutory private way: As long as a statutory private way is open to the public and benefits the public and the abutters or private owners repay the costs of that betterment, the municipality may better a statutory private way. The process is outlined in the **Gloucester Code of Ordinances (GCO) Sec. 21-80 through 21-86** (Note: Code of Ordinances is available on line at: www.gloucester-ma.gov). The total cost of road repairs will be borne by the abutters. GCO Sec. 21-84 provides guidance to anyone wishing to avail themselves of this ordinance. The process starts with the abutters submitting a petition obtained from the City Clerk's office and submitted signed by not less than 75% of all abutting owners to the private way. The abutters must pay a fee with the petition of \$1.00/linear foot, a fee added to the newly revised ordinance to help defray some of the engineering costs now borne by the DPW. The City Clerk then refers the petition to the Mayor's office with a request for a feasibility determination. The Mayor's office then refers the petition to the DPW for that feasibility determination which shall include consulting with various city departments -- Police; Fire; ConCom -- determining the parameters of the project and setting a price for the project. The DPW will then respond to the abutters with this information. Abutters then call and hold a meeting that 75% of all abutting owners must attend to vote on the project parameters and project cost of which 66% must vote in favor -- **there are no proxy votes**. However, abutters are not required to avail themselves of this process. They are free to seek bids from other contractors. It was noted that they would encourage abutters to explore this option in order to get the lowest bid possible. The abutters submit a record of this meeting to the City Clerk's office, and the City Clerk provides a copy to the Mayor's office. The Mayor's office may submit the petition and record to the City Council for funding consideration. The Mayor's office is not required to do so. Once submitted, the Council holds a public hearing and votes on the funding. GCO Sec. 21-85 establishes a deadline of December 31 for submission to the City Clerk in order to be included in the next year's scheduled projects. If the city fails to complete the project in the year scheduled, the city will automatically finish it the following year. If the abutters fail to secure the appropriate approvals they have to wait two years before they can resubmit (their petition).

Mike Hale, Public Works Director conveyed the following information to the Council:

- Maintenance of Public Roads: There about 90 public road miles in the city -- 40 miles of Statutory Private Ways and about 20 +/- miles of True Private Ways. Of those road miles, the city gets about \$650,000 in Chapter 90 funds annually from the state -- money that's allocated to cities and towns for the maintenance of public ways only and *can't be used for any type of private way*. Since 2000 the city has received just under \$11 million in Chapter 90 funds. In 2013 the DPW did a pavement management study of all ways in the city. The maintenance of all ways to bring them to standard above a grade of a "70" (above 2/3 complete) would cost \$17 million at that time. That price today is close to \$17 million *just for public roads*. The city uses every dollar they get annually to pave public roads. The DPW rarely buys equipment with Chapter 90 funds although they can under the state law -- it's all used on paving in recent years. The state Chapter 90 funding formula is: the number of accepted road miles; population; and population of employment within a municipality. Adding private roads to this formula doesn't increase funding as much as expected. A way accepted in good condition takes 30 years to earn back enough to repave it and some much more than that. It was noted that a recently repaved roadway has a 106 year payback. **Mr. Hale** noted that in his 20 years with the DPW, only once has his department come before the Council for a loan authorization to fund the paving of public ways; all paving has been done completely with Chapter 90 funds. The request for loan funding came in 2011 for a reallocation of old CSO funds transferred from the Sewer Enterprise Fund to the General Fund in order to pave Farrington Avenue, East Main Street and Rocky Neck Avenue because they were in "deplorable" condition causing significant damage to fire apparatus and was a priority of the Administration at that time.
- Criteria for providing temporary service to private ways: The Ordinance allows the city to make temporary repairs on private roads that don't need to be resurfaced. It was indicated that many times when sending out an inspector they find that pothole repair wouldn't be enough to manage the condition of the way. If that is the case, the repairs are not undertaken by the city. Pothole repair should not be the means by which

those roads are maintained to make an adequate travel surface for people who live on a way. It is not the city's responsibility to maintain the way -- the city provides temporary relief to potholes only. The city doesn't provide culvert repair, drain repair, or upgrades to private ways. Those are expenses prohibited to be paid for by the city on private ways.

- The abutters of private ways can solicit pricing from paving vendors to do pothole repair or a full-service repaving. **Mr. Hale** suggested that was a good method as the private way abutters can choose how much they're willing to pay and what they want done. Some of that is lost when moving to a private/public paving betterment project under the city's ordinance.

QUESTIONS POSED TO MR. HALE WITH ANSWERS RE: PRIVATE/PUBLIC WAYS: *If we agree on a betterment to repave our street, can this betterment be used as a tax credit or deduction?* The city doesn't discount real estate taxes just because an abutter received a paving betterment. *Who's responsible if someone gets hurt on a private way?* It is not the city. *When a street sign color is changed it used to be green which typically indicated a public way.* The color of street signs does not indicate a public or private way -- moving forward the city is going with all green street signs with white lettering. If it is a public way there will be a city seal attached to it. *Is there a city-wide map showing the locations of all private ways.* There is a GIS map available but it only shows proximity of what the city believes to be private ways and public ways but is not a deciding factor. It can be viewed at the DPW on Poplar Street or at the Engineering Department at the City Hall Annex, 3 Pond. *What are the conditions of the private ways?* Many are in poor condition. Since the 2013 inventory not many private roads have undertaken full paving projects. *Can the city provide a rough approximation of conditions, given weekly access by trash and recycling trucks and other city vehicles?* There is a lot of wear and tear on roadways from many trucks -- UPS, FedEx, oil delivery trucks, city vehicles. There are a number of reasons roads fail which is in large part because of how they were constructed or the age of them. *Approximately how many potholes need to be filled before the start of the winter season?* **Mr. Hale** advised he didn't have an answer to this submitted question. Many communities have a winter private road inspection process -- in the southeastern part of the state and portions western Massachusetts communities inspect their roadways in August/September checking their towns' private ways to meet certain specified criteria. If the criteria aren't met the abutters are noticed to remedy those issues prior to the start of the winter season. *Are there more substantial repairs or improvements needed?* Many private roads don't have hard-pipe drainage or can't have it due to their location -- proximity to wetlands or other infrastructure to receive those storm waters. A big challenge for the DPW is to coordinate with other public utilities (electric, gas, cable) -- they may not be on the same schedule as the city. **Mr. Hale** advised he meets with the utilities frequently to share capital project scheduling with them well in advance so they can prepare for it. He pointed out that utilities' capital planning is as difficult as the city's and they don't have an endless supply of money to upgrade their infrastructure either. He gave several examples of instances where public ways were repaved by the city, and utilities had to come back and dig the roadway up for a variety of reasons even after all the best planning. **Mr. Hale** highlighted that they work closely with the utilities to ensure they restore the roadways to a good condition when they are done. *What would the estimated costs for homeowners on a private road come to if they were to get a private contractor?* That is a case-by-case issue. The price of a private contractor repairing anyone's private road is going to be a better price than through the city. Road maintenance is unlike other maintenance, such as hiring lawn maintenance services to mow lawns for the city is exempt from paying prevailing wages. The city is not exempt from paying prevailing wages for road maintenance work, and that adds to the city's costs which private contractors don't incur. *There is a presumption that it is a larger efficiency of costs when the city is taking on these projects.* **Mr. Hale** suggested that wasn't necessarily true. The city can't take on 40 miles of road paving projects in one year. The efficiency would be in individual projects versus a "massive" project. *What is the history of the city work on private roads? Many residents remember the city working on roads and are surprised by this new policy. When did this take effect?* The ordinance dates back to at least 1980 with the state law older than that. **Mr. Hale** advised that there is \$30,000 allocated in the DPW's entire FY19 budget for road repairs which would be gone in one week for three mid-grade private roads just for pothole repairs. Any public road the city is obligated to take care of would be left undone. *Is there an inventory of private roads as approved by the Council in the 1950's or 1960's?* Roads aren't approved by lists; there is a specific statutory process. He suggested that there could have been a "culling" of records by the Council or the Mayor's office to have a better understanding. In the mid-2000's after the development of Bennett Street it was, in fact, a public road laid out by the selectmen of the "Town of Gloucester" in the 1700's well before Gloucester was incorporated. A full year of Chapter 90 money and most of the next year's funding was spent to put that road into the condition it is today. *What is the process for additional private roads to be accepted?* Mr. Payson previously reviewed the ways in which a roadway is accepted as a public way. One of the biggest determining factors is, is there funding available to do. By adding road miles, **Mr. Hale** indicated with the Chapter 90 formula it actually is detrimental to the city's funding by putting the city on a much longer paving cycle. Right now the city's

paving schedule is once every 40 years. Road life expectancy is 15 years for a newly paved road. *What are the private roads on deck for public consideration?* **Mr. Hale** advised he'd put forward a list a number of years ago of roads that made sense for the city to accept -- some are roads that an Administration or Council missed the acceptance process that were laid out by the city but a vote wasn't taken -- or the roads are completely on public land such as Lane's Cove Road which the city owns in total and is listed but abutters don't even touch the layout. It should be a public road, he pointed out, although small. There are a number of fire lanes that act as roads laid out by the city which should be included in the public road miles. *What is the public road paving queuing timeline?* Middle Street was finished this past spring; Duncan Street will be paved starting the following week which will be paid for by CDBG monies as it is an ADA project for accessibility to Rogers and Main Streets. Thatcher Road will be paved from Barn Lane to Witham Street which will include some pedestrian improvements as well -- that work is Chapter 90 funding which finishes all the Chapter 90 funding of road paving for the year. **Mr. Hale** advised that they seek other ways proactively to gain paving monies. Complete Streets is one such program through MassDOT, and Gloucester is a Complete Streets. He highlighted the competitive nature of the grant process. The city was declined funding three years in a row; but the city was accepted this year. The Complete Streets funding will be used to create new sidewalks on Reynard Street; realigning the intersection of Reynard and Cherry Streets and Poplar and Cherry Streets. The project was desirable because there is a Middle School and an elementary school within a certain zone, and an elderly housing project at Cherry and Poplar Streets. *Has there been preliminary conversations including budget implications for FY20?* **Mr. Hale** indicated he didn't know what the answer is at this time, pointing out that it is a difficult task for the city to maintain what they have, which is a very challenging responsibility as a public obligation. *An open discussion on public access to private ways specifically towards public landings?* Just because there is a public landing or a public amenity on a private road doesn't make it any less private. It depends who owns the public landing or public amenity as they become a party to the private way as well.

Mr. Payson advised that there's a significant difference between abutters of statutory private ways availing themselves of the city's Ordinance as opposed to going out and hiring a private paving contractor. The city's Ordinance requires, "75% approval but 100% pay." When there is a vocal minority who doesn't want to pay, in a private contracting situation the surrounding abutters can't require that person to pay. The city betterment Ordinance requires 100% pay as long as the threshold of approval is met; everyone else is "on the hook."

Council President Lundberg offered his thanks to Messrs. Payson and Hale for their comprehensive presentation.

COUNCILOR QUESTIONS:

Councilor Holmgren, having no questions, extended her thanks to Mr. Payson and Mr. Hale for their thorough work.

Councilor Memhard, offering his thanks, noted this is an important issue for taxpayers and constituents. He mentioned that there are private ways in Ward 1 after consultation with the DPW that have chosen to pave their private way through a private contractor. He noted there are roads that have gone through the betterment process in his Ward pointing to High Popples Road and adjoining ways; Starknought Heights and several adjoining ways. He pointed out that there are currently projects pending on Souther Road and Brier Neck. He mentioned that there is a road that is actually in private ownership that has been suggested should be made public -- Beach Road and asked if there was some mechanism to address it. **Mr. Payson** noted that other than the statutory allowance of snow plowing or temporary repairs, if the way is not taken as public, the abutters are responsible for the roadway's maintenance. The courts are clear on what taxpayer money can and can't be spent on those, saying that in his legal opinion, these are the only things that can be done. **Councilor Memhard** noted there were ownership issues and survey work that needed to be done to clearly establish the parameters of the roadway. **Mr. Hale** advised that Beach Road has been difficult to determine ownership but that there's never been a Council vote on it.

Councilor Cox asked where the state gets the money for Chapter 90 funding. **Mr. Hale** conveyed it is a bond floated by the state annually, and the money comes mostly through the state gasoline tax. If the money isn't released until mid-summer the paving season is almost completely lost, he noted. **Councilor Cox** advised she would reach out to Sen. Tarr to work to increase the city's Chapter 90 funding. Advising that he is President of Essex County Highway Association, he noted that most communities need \$1 million annually to maintain their public obligation. This private way piece isn't discussed much by Public Works Directors as it is a challenge to just maintain their public ways. The city has (no line item) budget for full paving of public ways. The Sewer and Water Enterprise Funds have a line item for trench repair for their work. The full paving funding for FY19 for the city, he reiterated, is \$30,000 for pothole repair. If they do a capital project they try to incorporate paving but that they must be mindful it affects the water and sewer rates, he added, saying they don't want to drive those rates up too high just

for the benefit of paving and sidewalks. *If there is a private road has a school bus stop on or near the entrance to the road, is it something that the city can improve if it is a hazard for a school bus stop?* **Mr. Hale** pointed out that addressing hazards on a private way is the responsibility of the abutters of the private way. If it was really unsafe, the DPW would simply ask the transportation division to move the bus stop.

Councilor O'Hara noted the poor road conditions of Lake, Maple, and Englewood Roads which are private, saying that fire apparatus are designed overweight. Is there some directive that the city can give to the owners of statutory private ways (for emergency vehicle accessibility)? **Mr. Hale** pointed out that the GCO outlines specifically that it is the abutters of the private ways' responsibility to keep the roads safe for the passage of emergency vehicles. He noted he didn't know who is responsible to force the abutters of a private way to take corrective action. If there is a need for an emergency vehicle to get to a call they'll be there regardless. He recounted that former Fire Chief McKay's biggest complaint was that the streets the Fire Department needs to go quickly on are main arterial roads -- Washington Street, Eastern Avenue, Thatcher Road, Atlantic Road Concord Streets, Hesperus and Magnolia Avenues, which was where the department lost the most time when he first became the DPW Director. As of today all of the city's arterial roads have been repaved. **Councilor O'Hara** noted that certain East Gloucester roadways that were private ways sought private paving contractor quotes which came in lower than the city's quote for Souther Road. In West Gloucester Brooks Road was paved through a betterment process. Is there some way the city can put these jobs out to public bid. **Mr. Hale** pointed out that all city paving projects are put out to bid for specific projects -- They bid out; whether they have a specific bid for a project or an overall general bid for the city's general paving every three years, competitively, a process which he touched upon briefly. They do two bids - one for Chapter 90 paving and one for general paving. **Councilor O'Hara** and **Mr. Hale** also touched upon the city's ownership of a property on Brooks Road that the abutters have the benefit of an easement over city land so they could build their home but didn't own frontage. Because of the easement the abutter had the responsibility to maintain that city-owned land. In a statutory private way situation where the city may own property or an amenity, they've not had many petitions before the city where the city was a major abutter. The new ordinance allows for an initial reduction in the fee based on city-owned frontage, and he gave the example of Laurel Street where the city owns significant frontage on one side of the street. It would be unfair to expect all abutters to pick up the total cost and so the initial cost would be reduced, he mentioned.

Councilor Gilman asked for an explanation why looking at one's property deed was so important. **Mr. Hale** noted maps and lists are subject to error. The ownership of a way is always true in a deed. If it is misrepresented, sometimes it means a property owner needs to go back several deeds to locate a better description. There could be error references, and it is important to trace it back. SalemDeeds.com is a good site to check this information, he advised. **Councilor Gilman** asked about the Reynard Street safe walking grant. **Mr. Hale** noted the work will likely be done this fall. He advised they're moving as quickly as they can as the season is now very short.

Councilor Gilman noted many residents talk about assessed value of their house and on a private way why don't they receive an abatement on their taxes because they receive less city services. **Mr. Hale** pointed out he is not the city's Principal Assessor, but indicated that collectively property taxes go to the General Fund and that taxes are assessed on real property and its condition on the land and the dwelling. Regardless of where you live the tax structure is the same. Collectively those tax dollars are spent by the Mayor's office at the approval of the City Council on services: Police; Fire; Public Health; Public Schools; Public Schools all things we take advantage of daily. There are lots of people who pay their taxes and don't have children in the city's school system, he pointed out. **Councilor Gilman** asked that if a tree falls on a private road obstructing it what is the city's process for intervention. **Mr. Hale** noted the DPW almost always clears safe passage suggesting he couldn't recall an instance where they hadn't. Clean-up may be part of that question. Noting that there are a lot of questions as to what makes a public shade tree, he advised that a public shade tree by statute is a tree on public property or a tree planted within 20 feet of the public property by the public with the permission of the landowner. If the tree is the middle of someone's yard but falls on a way they will remove the tree off of the roadway, and what remains on the private property is the homeowner's responsibility to remove. **Councilor Gilman** asked that Mr. Hale think about a better way to communicate this information to make it easier for the public to examine it and navigate their issues. **Mr. Hale** pointed out the Code of Ordinances is on line, easily navigated and simply typing the words "private ways" will bring the pertinent sections up. The list of public and private ways is available on line on the city's website (www.gloucester-ma.gov).

Councilor Hecht asked if property owners abutting the public roads get 75% together, can they move forward to a betterment process. **Mr. Payson** noted abutters along public roads can petition a municipality to repave the public road but don't go through the betterment process which is solely for statutory private roads and private roads. They need the municipality's permission to do that and would have to have the conversation with Mr. Hale and the CAO. With 40 miles of statutory private ways, the general feeling is that the prevailing wages the city has to pay

raise the city's costs for paving projects. **Councilor Hecht** asked if there is anything available for private financing getting a lower bid. **Mr. Hale** suggested that private paving possibly may be privately financed through a bank; there are no grants for the financing private way paving.

QUESTIONS FROM THE PUBLIC:

Greg Figurido, 20 New Way Lane, asked what if a state road abuts the private road. **Mr. Hale** noted that the state abuts the way only where the way intersects with the state layout of Route 133 and is the same for any city public roadway.

Paul Borgman, 37 Lake Road, noted they had an ambulance at their house and were told because of the road's condition his sister wouldn't be able to receive an IV and asked if there anything the city can do to address the issue. This question will be forwarded to the Mayor, **Council President Lundberg** advised.

Robert Bliss, 9 Juniper Road, noted people use Juniper Road to gain access to a public landing. The public is passing over their road every day and asked why is Juniper Road designated a private road. The state sends the city money to pave money and private roads for minimal temporary repairs. They're paying the same city and state taxes and suggested they are receiving "short shrift." **Mr. Payson** pointed out that there is no designation of private roads making them public because the law doesn't operate that way. In order for a government, a public body, to take a piece of property there has to be an affirmative action. He said that it was his opinion that over the course of the incorporation of the city, there have been various takings of private roads making them public. They didn't all start as public and then get converted over to private, they all started as private and over time were slowly taken by the city and made public by affirmative votes of the governing body. **Mr. Hale** clarified as to funding that they fund only locally for pothole repair; there is no state money for it. Money is spent on public roads.

Rose Ferrara, 32 Lake Road, noted that their road needs to be repaired and asked what they can do in the meantime. The residents can get together and hire a contractor and repair the potholes, **Council President Lundberg** advised which was noted earlier during the presentation.

Sal Ferrara, 32 Lake Road, asked if they repair their private road and someone is injured on their private road are they liable for that repair. **Council President Lundberg** advised this would be a matter for their private attorney.

Confirmation of New Appointments:

Zoning Board of Appeals

Michele H. Harrison

TTE 02/14/21

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted in 3 favor, 0 opposed, to recommend that the City Council appoint Michelle H. Harrison to the Zoning Board of Appeals, TTE 02/14/21.

DISCUSSION:

Councilor O'Hara reported that Ms. Harrison is a well-known attorney who has practiced in the city for over 30 years. She has appeared frequently before the Zoning Board of Appeals on behalf of her clients and is always available for questions and providing good answers. Her experience will be invaluable to the Board, he added.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to appoint Michelle H. Harrison to the Zoning Board of Appeals, TTE 02/14/21.

Consent Agenda:

- **CONFIRMATION OF REAPPOINTMENTS**
 - **MAYOR'S REPORT**
1. Memorandum from Assistant DPW Director re: request to pay FY18 invoices with FY19 funds, in the amount of \$2,159.34 (Refer B&F)
 2. Memorandum from Fire Chief & Special Budgetary Transfer Request 2019-SBT-002 from the Fire Department (Refer B&F)
 - **COMMUNICATIONS/INVITATIONS**
 - **APPLICATIONS/PETITIONS**
 1. Memorandum from City Clerk re: Request of Patrick Titus, Jr., to rename 602-606 Washington Street to Seaglass Lane per GCO Ch. 21, Sec. 21-3 "Street names" subsections (a) through (f) (Refer P&D)
 2. Special Events Application: Request to hold the Community Safety Day on September 29, 2018 (Refer P&D)
 - **COUNCILORS ORDERS**
 1. CC2018-033 (LeBlanc/Nolan) Request Traffic Commission perform a speed study on Bond Street to determine whether the speed limit should be reduced to 20 MPH and make a written recommendation to O&A, and depending on results of study, O&A recom-

- mend the City Council request MassDOT approve a 20 MPH speed limit on Bond Street (Refer O&A & TC)
2. CC2018-034 (LeBlanc) Amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-270.1 "Resident Sticker Parking Only" be Amended by ADDING: "Babson Street" (Refer O&A & TC)
 3. CC2018-035 (Gilman/Cox) Amend the February 28, 2017 City Council Rules of Procedure by ADDING Rule 17 re: a City Council Civility Resolution Review & Approval will be placed on a City Council meeting agenda during the month of January of each new term of office (Refer O&A)
 - **APPROVAL OF MINUTES FROM PREVIOUS COUNCIL AND STANDING COMMITTEE MEETINGS**
 1. City Council Meeting: 08/14/2018 (Approve/File)
 2. Standing Committee Meetings: B&F 08/23/18 (under separate cover), O&A 08/20/18, P&D 08/22/18 (Approve/File)

Items to be added/deleted from the Consent Agenda:

Councilor Gilman asked to remove CC2018-35 (Gilman/Cox) and under Approval of Minutes Item #2 P&D 08/22/18. She highlighted that CC2018-35 is to amend the Council's Rules of Procedure as to the Civility Resolution that is a procedural matter which she described briefly. **It was voted unanimously by the Council to refer CC2018-035 to O&A.** She moved to amend the P&D minutes of 08/22/18 as follows:

"On Page 8 of 9, in Condition 12. A Performance/Surety Bond for Repairs to Stage Fort Park, second paragraph by striking "2017" and ADDING "2018" and in the third paragraph striking "May 11, 2018" and ADDING "May 15, 2019".

Councilor Holmgren seconded the amendment. **On a unanimous vote of the Council, the 08/22/2018 Planning & Development Minutes were amended as requested.**

By unanimous consent the Consent Agenda was accepted as amended.

Committee Reports:

Budget & Finance: August 23

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a state grant from the Massachusetts Executive Office of Public Safety and Security, a FY19 State 911 Department Support & Incentive Grant in the amount of \$86,795. The grant period is from July 20, 2018 through June 30, 2019.

Councilor Memhard left the dais.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted 6 in favor, 0 opposed, 3 (LeBlanc, Nolan, Memhard) absent, to accept under MGL c. 44, §53A, a state grant from the Massachusetts Executive Office of Public Safety and Security, a FY19 State 911 Department Support & Incentive Grant in the amount of \$86,795. The grant period is from July 20, 2018 through June 30, 2019.

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A a Federal Emergency Management Agency (FEMA)/ Department of Homeland Security (DHS), a FY2017 Assistance to Firefighters Grant (AFG) in the amount of \$321,819. The purpose of this grant is to fund replacement of the oldest Fire Department ambulance with a 10 percent local match funded by the City of Gloucester.

Councilor Memhard returned to the dais.

DISCUSSION:

Councilor Cox explained that the city is in receipt of FEMA's Assistance to Firefighter Grant to purchase a new ambulance. There is a 10% match to the grant which she noted was a small cost to pay for a much larger

capital expense. She had the firefighters who helped write the grant to stand up and be acknowledged who were present.

MOTION: On motion by Councilor Cox, seconded by Councilor Holmgren, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to accept under MGL c. 44, §53A a Federal Emergency Management Agency (FEMA)/ Department of Homeland Security (DHS), a FY2017 Assistance to Firefighters Grant (AFG) in the amount of \$321,819. The purpose of this grant is to fund replacement of the oldest Fire Department ambulance with a 10 percent local match funded by the City of Gloucester.

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve the following Supplemental Appropriation 2019-SA-1 for \$32,181 (Thirty Two Thousand One Hundred Eighty-One Dollars) from Account #7600-359000, Capital Projects Stabilization Fund, Undesignated Fund Balance to Account #760017-585001, Capital Projects Stabilization Fund Fire Department Ambulance, Vehicles, for the purpose of funding a 10 percent local match for the Federal Emergency Management Agency (FEMA)/Department of Homeland Security (DHS), FY2017 Assistance to Firefighters Grant (AFG) for the purpose of funding a Fire Department ambulance.

DISCUSSION: None.

MOTION: On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to approve the following Supplemental Appropriation 2019-SA-1 for \$32,181 (Thirty Two Thousand One Hundred Eighty-One Dollars) from Account #7600-359000, Capital Projects Stabilization Fund, Undesignated Fund Balance to Account #760017-585001, Capital Projects Stabilization Fund Fire Department Ambulance, Vehicles, for the purpose of funding a 10 percent local match for the Federal Emergency Management Agency (FEMA)/Department of Homeland Security (DHS), FY2017 Assistance to Firefighters Grant (AFG) for the purpose of funding a Fire Department ambulance.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, from the Massachusetts Division of Marine Fisheries (MA DMF), a FY2018 Great Marsh Green Crab Trapping Program Grant in the amount of \$10,000 for the purpose of funding a program to capture and remove European green crabs from coastal marine and estuarine waters within the Great Marsh ecosystem to improve shellfish, eelgrass, and other fishery resources within the City's jurisdiction. The grant period is from July 1, 2017 through June 30, 2018.

DISCUSSION:

Councilor Cox conveyed that the Great Marsh Green Crab Trapping Program Grant for \$10,000 is from the Mass. Division of Marine Fisheries noting that this is an annual grant with no match.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to accept under MGL c. 44, §53A, from the Massachusetts Division of Marine Fisheries (MA DMF), a FY2018 Great Marsh Green Crab Trapping Program Grant in the amount of \$10,000 for the purpose of funding a program to capture and remove European green crabs from coastal marine and estuarine waters within the Great Marsh ecosystem to improve shellfish, eelgrass, and other fishery resources within the City's jurisdiction. The grant period is from July 1, 2017 through June 30, 2018.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL Chapter 44, §53A-½ the donation by Harbor Cove Dental of 200 cloth grocery bags with a monetary value of \$100.00 for the purpose of distribution to Gloucester senior citizens and low-income residents to aid in the transition from single-use plastic checkout bags, through the Clean City Commission.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to accept under MGL Chapter 44, §53A-½ the donation by Harbor Cove Dental of 200 cloth grocery bags with a monetary value of \$100.00 for the purpose of distribution to Gloucester senior citizens and low-income residents to aid in the transition from single-use plastic checkout bags, through the Clean City Commission.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment of a prior year invoice for services rendered by ReadyRefresh by Nestle, Louisville, KY, Invoice Number 08F0442310744 dated July 2, 2018, for services and goods rendered in FY2018 and paid with FY2019 General Fund – Community Development budgeted funds for a total of \$12.87.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, that in accordance with MGL c. 44, §64 approve payment of a prior year invoice for services rendered by ReadyRefresh by Nestle, Louisville, KY, Invoice Number 08F0442310744 dated July 2, 2018, for services and goods rendered in FY2018 and paid with FY2019 General Fund – Community Development budgeted funds for a total of \$12.87.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment for services rendered by Quick Base, a software platform service provider, Quote Number 10958 dated July 20, 2018, for services provided from 03/27/2018 through 06/30/2018 and paid with FY2019 General Fund – Information Technologies Department budgeted funds for a total of \$3,156.16.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, that in accordance with MGL c. 44, §64 approve payment for services rendered by Quick Base, a software platform service provider, Quote Number 10958 dated July 20, 2018, for services provided from 03/27/2018 through 06/30/2018 and paid with FY2019 General Fund – Information Technologies Department budgeted funds for a total of \$3,156.16.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council accept under MGL c. 44, §53A, a state grant from the Executive Office of Energy and Environmental Affairs, Office of Coastal Zone Management, a Coastal Resilience Grant of \$63,345 for the purpose of better addressing and protecting the Gloucester High School campus from future flooding risk and hazards. The grant match is 25% of the total project cost on a reimbursement basis. The grant period is through June 30, 2019.

DISCUSSION:

Councilor Cox reviewed for the Council that the city has been awarded a Coastal Resilience Grant administered through the Mass. Office of Coastal Zone Management (CZM) with a 25% match; a Supplemental Appropriation will follow, along with in-kind services. She explained as follows: There is a proposal from GZA to start the design and permit work for raising the seawall along the Annisquam River canal from Dun Fudgin Landing towards Western Avenue. There is a low point in the middle where the water breaches first, and once there is water incursion, the water can't flow back out easily as the field is at a lower level. The High School property won't flood in a 100 year event in scenarios the government has laid out. They will have the design and bid documents created through this grant, she noted.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to accept under MGL c. 44, §53A, a state grant from the

Executive Office of Energy and Environmental Affairs, Office of Coastal Zone Management, a Coastal Resilience Grant of \$63,345 for the purpose of better addressing and protecting the Gloucester High School campus from future flooding risk and hazards. The grant match is 25% of the total project cost on a reimbursement basis. The grant period is through June 30, 2019.

NOTE: The B&F Committee voted unanimously at the August 23 meeting to allow the matter of 2019-SA-4 to be taken up although not having been referred through the Mayor's Report on August 14, 2018 for the purpose of a 20% match to the FY19 Coastal Resilience Grant.

COMMITTEE RECOMMENDATION: On a motion by Councilor Cox, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2019-SA-4 in the amount of \$20,000 (Twenty Thousand Dollars) from Account #7600-359000, Capital Project Stabilization Fund-Undesignated Fund Balance to Account #760018-584000, Capital Project Stabilization Fund-FY2019 Coastal Resilience Grant, for the purpose of funding a 25% local grant match by the City of Gloucester.

DISCUSSION:

Councilor Cox advised that this is the 25% Grant match for the just accepted CZM Coastal Resilience Grant.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to approve Supplemental Appropriation 2019-SA-4 in the amount of \$20,000 (Twenty Thousand Dollars) from Account #7600-359000, Capital Project Stabilization Fund-Undesignated Fund Balance to Account #760018-584000, Capital Project Stabilization Fund-FY2019 Coastal Resilience Grant, for the purpose of funding a 25% local grant match by the City of Gloucester.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council in accordance with MGL c. 44, §64 approve payment for the City of Gloucester's Unemployment Insurance by the Commonwealth of Massachusetts Executive Office of Labor and Workforce Development, Department of Unemployment Assistance, Boston, MA, a software platform service provider, EAN Number 78303680 dated June 12, 2018 and July 10, 2018, for unemployment claims of May and June of 2018 to be paid with monies from the FY2019 General Fund Budget for a total of \$10,811.

DISCUSSION: None.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, that in accordance with MGL c. 44, §64 approve payment for the City of Gloucester's Unemployment Insurance by the Commonwealth of Massachusetts Executive Office of Labor and Workforce Development, Department of Unemployment Assistance, Boston, MA, a software platform service provider, EAN Number 78303680 dated June 12, 2018 and July 10, 2018, for unemployment claims of May and June of 2018 to be paid with monies from the FY2019 General Fund Budget for a total of \$10,811.

COMMITTEE RECOMMENDATION: On a motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve Supplemental Appropriation 2019-SA-2 in the amount of \$23,780.00 (Twenty Three Thousand Seven Hundred Eighty Dollars) from the Stabilization Fund-Transfer to General Fund, Account #75005-596001, to Executive – Mayor's Office, Purchase of Services, Account #0112152-520000 for the purpose of funding the Assessment Center to review and make recommendations for a new Police Chief.

DISCUSSION:

Councilor Cox conveyed that this Supplemental Appropriation is to release funds in order to hire the assessment center to review and make recommendations for a new Police Chief as laid out in the city ordinance.

MOTION: On a motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to approve Supplemental Appropriation 2019-SA-2 in the amount of \$23,780.00 (Twenty Three Thousand Seven Hundred Eighty Dollars) from the Stabilization Fund-Transfer to General Fund, Account #75005-596001, to Executive – Mayor’s Office, Purchase of Services, Account #0112152-520000 for the purpose of funding the Assessment Center to review and make recommendations for a new Police Chief.

COMMITTEE RECOMMENDATION: On motion by Councilor Hecht, seconded by Councilor Memhard, the Budget & Finance Committee voted 3 in favor, 0 opposed, to recommend that the City Council approve 2019-SA-3 for \$91,930.00 (Ninety One Thousand Nine Hundred Thirty Dollars) from Account #7600-359000, Capital Projects Stabilization Fund, Undesignated Fund Balance to Account #760018-58400, Capital Projects Stabilization Fund-Magnolia Pier Reconstruction Project – Site Improvements for the purpose of funding a contract for survey, geotechnical investigation, design, engineering and permitting services for the reconstruction of the Magnolia Pier.

DISCUSSION:

Councilor Cox noted that estimates are between \$660,000 and \$820,000 to rebuild. It is a goal from the Magnolia Pier Committee to raise half of that amount. This funding is for the engineering, she added.

MOTION: On motion by Councilor Cox, seconded by Councilor Memhard, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to approve 2019-SA-3 for \$91,930.00 (Ninety One Thousand Nine Hundred Thirty Dollars) from Account #7600-359000, Capital Projects Stabilization Fund, Undesignated Fund Balance to Account #760018-58400, Capital Projects Stabilization Fund-Magnolia Pier Reconstruction Project – Site Improvements for the purpose of funding a contract for survey, geotechnical investigation, design, engineering and permitting services for the reconstruction of the Magnolia Pier.

Ordinances & Administration: August 20

There were no matters under this heading for Council action.

Planning & Development: August 22

There were no matters under this heading for Council action.

Scheduled Public Hearings:

1. **PH2018-031: Draft Marijuana Establishments ordinance to replace existing GZO Sec. 5.27 “Medical Marijuana Treatment Centers and Medical Marijuana Cultivation Facilities” with a new Sec. 56.27 “Marijuana Establishments Ordinance”; Amend Sec. 2.3 “Use Tables”; Amend Sec. 2.3.2 “Community Services Uses”; and DELETE Sec. 5.31 “Temporary Moratorium on Recreational Marijuana Establishments” (TBC 09/11/2018)**

This public hearing is opened at 8:43 p.m.

Council President Lundberg announced that this public hearing is continued to September 11, 2018.

This public hearing is continued at 8:44 p.m.

2. **PH2018-048: SCP2018-002: Pleasant Street #93, Map 13, Lot 43, to convert an existing 4-family dwelling into a 5-family dwelling, pursuant to GZO Sec. 1.8 and 2.3.1(7) conversion to or new multi-family or apartment dwelling, four to six dwelling units in the R-5 district**

This public hearing is opened at 8:44 p.m.

Those speaking in favor:

Attorney Catherine Schlichte, Schlichte & Johnstone P.C., 14 Pleasant Street, representing the Applicant, Action, Inc., as follows:

- Action, Inc., owner of the property at 93 Prospect Street is seeking through this Special Council Permit Application to add a fifth dwelling unit to an existing four dwelling unit building. The three story building is on a property at the corner of Chestnut and Prospect Streets, with two units on the first floor and two units on the second floor, between 600 and 700 square feet. Action is undertaking extensive renovations and while doing so wishes to add an 11 foot dormer to raise the roof to add a 370 square foot unit on the third floor.
- The Applicant has received dimensional relief from the Zoning Board of Appeals (on file).

Ms. Schlichte then reviewed the six criteria under GZO Sec. 1.8.3 as follows:

1. Social, economic or community need served by the proposal: This will add another affordable unit to the city's housing roster. The mission of Action, Inc. is to provide safe and secure affordable housing.
2. Traffic flow and safety: This fifth unit isn't expected to affect traffic flow in the neighborhood adversely. While there is no parking on site due to topography, none of the current tenants have cars and the future tenant of this new unit isn't expected to have a car. The property is very close to the downtown and public transportation. It isn't anticipated the tenant of the new unit will own a car.
3. Adequacy of utilities and other public services: The current utilities and services in Prospect Street are available to the building and will accommodate the additional unit.
4. Neighborhood character and social structure: The neighborhood character and social structure will be maintained. This is a densely populated downtown neighborhood with many multi-family homes in the immediate vicinity of property with an 11-unit multi-family dwelling directly across on Chestnut Street and two- and five-unit dwellings in the immediate area of Prospect Street to #93. The dormer will be on the street side and will not have an adverse impact on adjacent buildings.
5. Qualities of the natural environment: The building is situated in an urban downtown landscape. It was noted this project will be part of a total building renovation with some landscaping.
6. Potential fiscal impact: The fiscal impact will be negligible.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:48 p.m.

COMMITTEE RECOMMENDATION: On a motion by Councilor Holmgren, seconded by Councilor Lundberg, the Planning & Development Committee voted 3 in favor, 0 opposed, to recommend that the City Council grant a Special Council Permit (SCP2018-002) to Action, Inc., for a property at Prospect Street #93, Map 13, Lot 43, zoned R-5 to add a fifth dwelling unit in an existing four dwelling unit building under GZO Sec. 1.8, 1.8.3 and 2.3.1(7) pursuant to an unsigned plan set submitted to the City Clerk July 12, 2018 with the application, rendered by Seitz Architects, Arlington, MA (A1.3, EX1.1, EX1.2, and EX1.3) contingent upon receipt of a signed, stamped plan set by the Architect from Seitz Architects.

DISCUSSION:

Councilor Gilman offered the following amendment to the main motion, seconded by **Councilor Holmgren**:

"...pursuant to a plan set entitled, "93 Prospect Street, Gloucester, MA 3rd Floor Renovations + Dormer Addition" rendered by Seitz Architects; signed by Patricia A. Seitz, Registered Architect and dated 7-8-18."

By a unanimous vote of the Council, the motion to amend the main motion passed.

Councilor Gilman noted that this proposal to add a fifth dwelling unit to Action, Inc.'s housing property which will help the city by creating more affordable housing. She added that this Special Council Permit application meets the standards of GZO 1.8.3 and is in harmony with the city's Zoning Ordinance. She asked Councilors to join her in supporting Action, Inc.'s Special Council Permit Application.

Council President Lundberg offered his support to the Application, expressing his appreciation for Action, Inc.'s mission and partnership with the city on affordable housing.

Councilor Holmgren thanked Ms. Schlichte for her presentation and Action, Inc. for coming up with a creative solution to a "challenging" problem. She also offered her support for the Application.

MOTION: On a motion by Councilor Gilman, seconded by Councilor Holmgren, the City Council voted by ROLL CALL 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to grant a Special Council Permit (SCP2018-002) to Action, Inc., for a property at Prospect Street #93, Map 13, Lot 43, zoned R-5 to add a fifth dwelling unit in an existing four dwelling unit building under GZO Sec. 1.8, 1.8.3 and 2.3.1(7) pursuant to a plan set entitled, "93 Prospect Street, Gloucester, MA 3rd Floor Renovations + Dormer Addition" rendered by Seitz Architects; signed by Patricia A. Seitz, Registered Architect and dated 7-8-18.

- 3. PH2018-049 Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-270 "Parking prohibited at all times" AND Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-291 "Tow-away Zones" by ADDING "Pleasant Street westerly side beginning at a point 130 feet from its intersection with Warren Street in a northerly direction for a distance of 25 feet"**

This public hearing is opened at 8:53 p.m.

Those speaking in favor: None.

Those speaking in opposition: None.

Communications: None.

Councilor Questions: None.

This public hearing is closed at 8:54 p.m.

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" Sec. 22-270 "Parking prohibited at all times" by ADDING "Pleasant Street westerly side beginning at a point 130 feet from its intersection with Warren Street in a northerly direction for a distance of 25 feet."

DISCUSSION:

Councilor O'Hara explained that the parking space proposed to be eliminated is in front of the Carroll Steele Insurance Agency on Pleasant Street that is currently narrowing the roadway creating a traffic bottleneck. This proposed action will open up this area of Pleasant Street for safer traffic flow, he added.

Councilor Hecht noted that by removing this one parking spot it changes the "pinch point" on Pleasant Street from 14 feet to 19 feet. He advised that the Carroll Steele Insurance Agency is in favor of this action, adding that it sense and is generally supported.

Councilors Memhard and **Gilman** added their support.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-270 "Parking prohibited at all times" by ADDING "Pleasant Street westerly side beginning at a point 130 feet from its intersection with Warren Street in a northerly direction for a distance of 25 feet."

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" Sec. 22-291 "Tow-away Zones" by ADDING "Pleasant Street westerly side beginning at a point 130 feet from its intersection with Warren Street in a northerly direction for a distance of 25 feet."

DISCUSSION: None.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Cox, the City Council voted 7 in favor, 0 opposed, 2 (LeBlanc, Nolan) absent, to Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-291 "Tow-away Zones" by ADDING "Pleasant Street westerly side beginning at a point 130 feet from its intersection with Warren Street in a northerly direction for a distance of 25 feet."

For Council Vote:

- 1. City Council Civility Resolution: TBC 09/11/2018.**

Unfinished Business: None.**Individual Councilor's Discussion including Reports by Appointed Councilors to Committees:**

Update on the Tourism Commission by City Council Representative, Councilor Ken Hecht, highlighted that there will be a "restart" of the Tourism Commission, noting five entities related to tourism in the city -- the Cape Ann Chamber of Commerce; Discover Gloucester; the Tourism Commission; the Downtown Development Commission and the Downtown Merchants Association. It was noted Councilor Hecht met with these entities as well as the Administration. The Community Development Director is organizing a meeting of the Commission. A key goal at that first meeting is to select a chairperson to move forward with initiatives.

Council President Lundberg thanked Councilor Hecht for taking on the liaison role saying it isn't an easy job.

Councilors' Requests to the Mayor:

Councilor Hecht touched on the Salem Murals program saying that he's working to bring that arts program to Gloucester to the downtown area to visually enhance public spaces. He'll do an inventory of available building walls and will seek the Committee for the Arts input; noting that the program will be privately funded with the artwork placed on private properties. He noted he walked Main Street with the Public Works Director recently, to discuss improvements.

Councilor Gilman announced that the annual Parade of Sail is slated around 10:30 a.m. on Sunday, Sept. 2nd. She asked that more fans be installed in Kyrouz Auditorium for future Council meetings in hot weather noting the high heat under which the meeting this evening was conducted. She mentioned her understanding that there was still a need for poll workers for next week's state primary election. **Joanne M. Senos**, City Clerk, noted her office has a complete roster of poll workers for the state primary on Tuesday, Sept. 4, but are still looking for additional poll workers for the Nov. 6 state election. She asked that anyone interested to contact her office at 978-281-9720.

Councilor O'Hara expressed his appreciation for Messrs. Payson and Hale's informative presentation. He reminded the public about a Red Cross Blood Drive, scheduled for Monday, Sept. 24, 2:00 p.m. to 7:00 p.m. at the Magnolia Library. Call 1-800-Red-Cross to make an appointment.

Councilor Holmgren encouraged the community to come out and vote on September 4 highlighting that there are 14 different slots open and being contested in some cases. Polls will be open 7:00 a.m. to 8:00 p.m. She extended her thanks to the City Clerk's office for all the work they do to ensure a smoothly run election each time. She announced that the next Animal Advisory Committee meeting is scheduled for Wednesday, Sept. 12 at 6:30 p.m. in the 1st Fl. Council Meeting Room at City Hall.

Councilor Memhard also thanked Messrs. Payson, Hale and Destino for their work on the private/public roadway issues saying that the presentation was very helpful, professional and clear. He expressed empathy for constituents' frustration and the perception that the process seems inequitable, but pointed out that progress is being made in laying the groundwork for communicating these issues. Now that the Middle Street paving project is completed, Duncan Street and Thatcher Road between Barn Lane and Witham Street paving will commence saying that it will be a major improvement for the city's residents.

Councilor Cox announced the Maritime Gloucester Heritage Day at Harbor Loop during the Labor Day weekend with lots of activities for children and a wide variety of vendors along with tours offered of the visiting sloops. She encouraged everyone to come out and vote on Tuesday, Sept. 4.

Council President Lundberg commended to the community the Schooner Festival activities taking place over the Labor Day weekend, offering his thanks to Maritime Gloucester for taking a lead role each year; and to the Beauport Hotel for stepping up as a sponsor as well as all who work to make it an exceptional event.

A motion was made, seconded and voted unanimously to adjourn the meeting at 9:06 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.