

Ordinances & Administration Committee
 Monday, May 6, 2019 – 6:00 p.m.
1st Fl. Council Conference Room - City Hall
 -Minutes-

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

Also Present: Councilor Lundberg; Councilor Gilman (departed the meeting at 6:45); Councilor Cox (entered the meeting at 6:50 p.m.); Donna Leete; Peter Seminara

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council until the departure of Councilor Gilman at 6:45 p.m. When Councilor Cox entered the meeting at 6:50 p.m. there was again a quorum of the City Council.

1. New Appointments:

Fisheries Commission Captain Salvatore “Sam” Novello (Cont’d from 3/4/19) TTE 02/14/22

Capt. Novello expressed his hope he can make a difference from having fished for 50 years. Noting there used to be 500 fishing boats in the harbor, he conveyed that federal restrictions are hurting domestic fishermen and wants to help educate governmental regulatory agencies. This is about keeping the city’s fishing heritage afloat, he pointed out. It is about U.S. wild caught seafood product, he added. **Councilor LeBlanc** lauded the Commission’s membership and advocacy.

Councilor Nolan highlighted that Capt. Novello has spent 10,000 days at sea.

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 Captain Salvatore “Sam” Novello to the Fisheries Commission, TTE 02/14/22.

Licensing Board Melissa Teixeira Prince TTE 05/31/23

NOTE: Ms. Teixeira Prince is fulfilling the unexpired term of Meredith Fine.

Ms. Teixeira Prince and the Committee discussed her intended commitment to the Licensing Board noting her capacity as an elected official with the School Committee briefly and her legal background with the District Court system. She expressed that one of the reasons she was seeking this appointment to the Board was that she perceived that the city was on the verge on change with businesses wanting to grow and wanted to be a part of the conversation to help that portion of the city’s make-up move forward. **Councilor LeBlanc** noted that with Ms. Teixeira Prince’s knowledge of the city her appointment to the Licensing Board would add great value.

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 Melissa Teixeira Prince to the Licensing Board, TTE 05/31/23.

Zoning Board of Appeals Adria Pratt (from Alternate to Full Member) TTE 02/14/22

Ms. Pratt advised that she was prepared to become a full member of the Zoning Board of Appeals (ZBA) having been an alternate for over a year now. She added that she’s discovering parts of Gloucester that she was previously unfamiliar with during her tenure. She expressed her enjoyment in her position with the Board and that her legal background is proving helpful.

Councilor O’Hara highlighted the great importance the city places in the Zoning Board of Appeals, and asked that the Board members be cognizant that there are those applicants who come before them without attorneys needing added attention and guidance. Ms. Pratt voiced her assurance that the Board was sensitive to this issue

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 Adria Pratt to the Zoning Board of Appeals as a Full Member, TTE 02/14/22.

Reappointments:

Gloucester Housing Authority Dorothy Martins TTE 05/28/24

Ms. Martin's reappointment was continued to May 20, 2019.

Licensing Board John T. Lamirande TTE 05/31/25

Mr. Lamirande was present to express his willingness to continue on the Licensing Board noting he's learned a great deal since coming onto the Board six months ago fulfilling the unexpired term of former member, John Rando.

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 reappoint John T. Lamirande to the Licensing Board, TTE 05/31/25.

2. Memorandum from Shellfish Constable re: request amendment to GCO Ch. 20 "Shellfish, Seaworms and Eels", Sec. 20-26(a) "Permit to take eels generally; restrictions as to traps; Fyke nets prohibited"

Peter Seminara, Shellfish Constable, reviewed that GCO Ch. 20, Sec. 20-26(a) "Permit to take eels generally; restrictions as to traps; Fyke nets prohibited" is not compliant with current MGL Ch. 130, Sec. 100D which sets the minimum size of eels taken from the Commonwealth at nine inches. The Division of Marine Fisheries recommends that Shellfish Constables go over their regulations frequently to keep them current with any changes to state regulations. He asked that the Committee endorse the proposed language to amend the ordinance in order to be in harmony with the state law saying that the city can't have a rule that is different from what the state says. He touched on briefly a conversation with Councilor LeBlanc on places eels can be caught in response to an inquiry by **Councilor LeBlanc**. This is mainly a recreational fishery, he added. **Councilor LeBlanc** expressed his appreciation to Mr. Seminara's bringing this issue forward by being proactive and working in tandem with the Harbormaster, noting that the Shellfish Constable now has his office at the Harbormaster Department.

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. 20 "Shellfish, Seaworms and Eels", Sec. 20-26(a) "Permit to take eels generally; restrictions as to traps; Fyke nets prohibited" by DELETING the words "six inches" in the third sentence and ADDING the words, "nine inches**" in their place.**

This matter will be advertised for public hearing.

3. CC2019-014 (Lundberg, O'Hara, Nolan): request City Council amend Ch. 11, Sec. 11-10(f) "Special Events; Transient Vendors; Parades" re: Special Events Committee and/or licensing commission shall refer all special events/parades requests that involve the use of Stacy Boulevard or Stage Fort Park to the City Council for final approval

Councilor Lundberg explained the Council Order before the Committee as follows: several months ago there was a Council discussion on the Cyclo-Cross event held annually at Stage Fort Park highlighting that although that particular event comes to the Council Standing Committee, Planning & Development because the event requires a street closure for permitting, it and those like it requiring street closures are the only time the Council learns of events taking place there or on the Boulevard. Several Councilors weighed in and showed him that the way the ordinance is written is insufficient pointing out several issues. It was pointed out that there were events in both named locations that are impactful to city property and city resources, and that the public should weigh in on some of these events particularly those using Stage Fort Park. Many of these Special Events only go to the Special Events Advisory Committee (SEAC), a committee comprised of city managers, for permitting. The Riverfest concert event (formerly held in Newburyport) is coming to Gloucester in August which is anticipated to attract thousands of people. It was noted that not only the Council but residents didn't have the opportunity to raise their concerns about public property use, traffic, and other impactful issues. It was conveyed that Riverfest received SEAC approval, and that the Council should have a say in this especially in light of the city's 400th coming up with Stage Fort Park to be a primary focus

for the city's celebration. Councilor Lundberg pointed out that events taking place on Stacy Boulevard and Stage Fort Park number about 12 per year, which he suggested wouldn't add an undue burden to the Council so that if it seems like something that interests the public they would have the option to hold a public hearing. He asked that the Committee recommend this amendment to the Council

Councilor LeBlanc noted representatives of the city's Administration and the City Clerk aren't present whose opinion on this matter he wished to consider and ask questions of which he discussed with **Councilor O'Hara** briefly. **Councilor LeBlanc** asked that the Committee continue this matter to the next regularly scheduled meeting.

Councilor Nolan pointed out that the park is literally being given away. He noted the presence of Fred Geisel and David Dow, members of the Stage Fort Park Advisory Committee.

Councilor Lundberg advised this is to give the public the ability to comment on what happens at Stage Fort Park and that they need to be mindful to provide that forum. The reason is to give the whole Council the ability to weigh in, he highlighted. **Councilor LeBlanc** agreed for a need of an open dialog reiterated he wished to get the perspective of someone like the City Clerk, a SEAC member. Councilor Lundberg added that this doesn't change that events first go to SEAC but would then would go to the Council. The P&D Committee will continue to get the information that there has been a thorough review on those events that require road closures which is the purview of the Council. When it comes to something about the use of a public asset, they're doing it for the public, he reminded the Committee. **Councilor LeBlanc** advised he wanted to ask questions of city staff before the matter goes to the Council for its consideration for a thorough discussion on the matter. **Councilor Lundberg** suggested they while they may want to consider the serious issues that the Riverfest concert event raises; overall this is about the use of Stage Fort Park and Stacy Boulevard and keeping it in excellent shape. He mentioned the concerning condition of the baseball field at Stage Fort Park as just one example of how there has been some misuse of public property.

This matter is continued to May 20, 2019.

4. *CC2019-015 (LeBlanc): request City Council amend GCO Ch. 22 "Traffic and Motor Vehicles", Sec. 22-281 "Ten-Minute Parking" by DELETING "Angle Street, southerly side beginning at a point 42 feet from its intersection with Middle Street for a distance of 22 feet in an easterly direction."*

Councilor LeBlanc explained that this is where the Visiting Nurse Association was located and is no longer operating.

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. 22-281. "Ten-Minute Parking" by DELETING, "Angle Street, southerly side, beginning at a point 42 feet from its intersection with Middle Street for a distance of 22 feet in an easterly direction."

- 5 *CC2019-016 (Memhard, LeBlanc): request City Council amend GCO Ch. 22 "Traffic and Motor Vehicles", Art. II, Div. 2, "Traffic Commission" by ADDING new Sec. 22-38 "Commission's authority to approve stop intersections"*

Councilor LeBlanc reviewed that this Council Order was prompted by the fact that it was his and Councilor Memhard's opinion that changes for stop intersection signage, especially for establishing new stop intersection in the interest of public safety doesn't need a drawn-out Council process but could be handled at the Traffic Commission level much the same as they do for the installation and removal of handicap parking spaces. The Traffic Commission has offered their support for this amendment to the Code of Ordinances, he reported.

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. II, Division 2 "Traffic Commission" by ADDING new Sec. 22-38 as follows:

"Sec. 22-38. - Commission's authority to approve stop intersections.

- (a) **The traffic commission may, after conducting a duly notice public meeting, promulgate regulations to approve stop intersections.**

(b) A request for a stop intersection shall be filed with the commission through the city clerk's office. At the close of the public meeting, the commission may, by majority vote, approve the stop intersection. The commission shall file notice of its decision to promulgate such regulation with the office of the city clerk. All approved stop intersections shall be published as regulations known as the "List of Stop Intersections in the City of Gloucester."

(c) The city council committee on ordinances and administration may review the regulation approving the stop intersection. The committee's approval or disapproval of the traffic commission's decision shall be considered final action and shall not be subject to further review. The request for review shall be filed by an aggrieved party within 30 days of the traffic commission's filing its decision with the city clerk's office."

This matter will be advertised for public hearing.

- 6. CC2019-003 (Gilman): refer MGL Ch. 40, §8J to the P&D & O&A Committee to consider the establishment of a Disabilities Rights Commission and members to be appointed by the Mayor (Cont'd from 03/18/19)**

Councilor Gilman advised that she and Ms. Leete are asking for a motion to withdraw the Council Order as they will create a new ordinance to be a subset of the Human Rights Commission. This is going to be on the Consent Agenda through the Mayor's office. This will enable a well-developed draft to be put forward for the Council's consideration.

Donna Leete, Human Resources Director, added that she was struck by the interrelatedness of the Human Rights Commission and this new Disabilities Rights Commission. She reported that as she reviewed the ordinance language for the Human Rights Commission it became apparent language that there is a natural connectivity indicating that the Disability Rights Commission would be a subset as they are closely intertwined. She conveyed she was speaking for the Mayor and her Administration is, "100% committed to equal rights and access to all city services, programs and facilities." This isn't just disabilities, she pointed out, but the whole of the city's population, expressing that the ordinance language was nearly complete. **Councilor Gilman** whose Council Order prompted this initiative advised that the purpose of this evening's update report to O&A asked that her Council Order be withdrawn because this will come back underneath the umbrella of the Human Rights Commission which she indicated was the right way to handle this matter. She noted that this is for a Commission that is in an advisory capacity, and expressed excitement for what will come forward through the Mayor's Report which **Ms. Leete** confirmed.

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 permit the withdrawal of CC2019-003 (Gilman): refer MGL Ch. 40, §8J to the P&D & O&A Committee to consider the establishment of a Disabilities Rights Commission and members to be appointed by the Mayor without prejudice.

- 7. CC2019-009 (Hecht): re: amend GCO by prohibiting the use and distribution of single use plastic straws, stir sticks & hotstoppers in food service establishments (also referred to Board of Health)(Cont'd from 03/18/19)**

Councilor LeBlanc explained that Councilor Hecht has asked this matter to be continued to the next regularly scheduled meeting of the O&A Committee.

This matter is continued to May 20, 2019.

- 8. Update on the City of Gloucester Beach Parking and Traffic Ad Hoc Committee Report of January 24, 2017 (Cont'd from 04/01/19)**

Councilor LeBlanc noted the Clerk of Committees had previously sent an email to the entire Council for their opinions as to beach parking and traffic issues after the April 1st meeting, and no Councilors responded. He recommended that if they want to have something done that Councilors make a Request to the Mayor. **Councilor O'Hara** noted there is a lot they should be doing, but it is too late for this beach season. He pointed out it is the same

problems year in and year out. **Councilor LeBlanc** reported that he spoke to Police Chief Conley about this issue who assured him there would be boots on the ground.

Councilor Lundberg noted that as to the enforcement piece of the traffic issues, he pointed out that the Council is coming up to the FY20 budget review; and that the Councilors have been told there are only so many people to go around. He recalled residents who came before the Council in July, expressing their issues with beach traffic and suggested that if there is no change in enforcement then there is no change overall. **Councilor LeBlanc** offered that he agreed this is an issue that should come back to the O&A agenda in several months. **Councilor Nolan** expressed his agreement that the matter should come back to the O&A agenda in a few months mentioning the traffic issues surrounding Wingersheek Beach.

This matter is continued to June 17, 2019.

9. *Committee Discussion on Ride Sharing Services in the City of Gloucester*

Councilor LeBlanc led off a Committee discussion on Ride Sharing Services in the city by saying that he reached out to General Counsel saying the city needs to be on the forefront of this issue to ensure citizens' safety. He noted that General Counsel will offer language for a possible ordinance amendment.

This matter is continued to June 2, 2019.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:56 p.m.

**Respectfully submitted,
Dana C. Jorgenson+
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.