

CITY COUNCIL STANDING COMMITTEE  
**Ordinances & Administration**  
Monday, July 18, 2011 – 7:00 p.m.  
1<sup>st</sup> Fl. Council Committee Room – City Hall  
**-MINUTES-**

**Present:** Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Bruce Tobey  
**Absent:** None.

**Also Present:** Councilor Hardy; Councilor Verga; Linda T. Lowe; Police Chief Michael Lane; Robert Ryan; Anthony Bertolino; Sarah Garcia; Gregg Cademartori

The meeting was called to order at 7:00 p.m. There was a quorum of the City Council present.

**1. Continued Business:**

- A) CC2011-008 (Hardy) Creation of language for ballot question re: recently enacted Water Ordinance and Pending Home Rule Petition related to same

**[Note: Only this portion of the meeting was taped by the group WHO DECIDES]**

**Councilor Theken** read aloud the draft Ballot Question Summary which was presented to the Committee prior to the meeting (on file and shown as below). **Councilor Hardy** thought the summary of the ballot question was kept as clean and simple as it could be for the folks who would be reading it. She approved of it and thanked Councilor Tobey for his “fine hand” at the summary. She would support this language.

**Russell Hobbs**, 1166 Washington Street of WHO DECIDES stated he thought the Home Rule Petition that the State Senate passed changed some of the language and asked for clarification. **Linda T. Lowe**, City Clerk noted the Senate legal counsel representative changed minor language; the reference to the charter section had changed and there was an added the part about the charter being on file in the state archives, but nothing substantive. **Councilor Hardy** commented her understanding was that the Home Rule Petition was not yet approved. It was language they were moving forward with. **Ms. Lowe** understood the Senate was finished with it, and it was ready to go to the House. Once it passes both legislative bodies it will be reconciled and finalized shortly after that.

**Roslyn Frontiero** 12 Beacon Street, chair of WHO DECIDES thanked the Committee for moving forward on the referendum ballot feeling it was important to the City and appreciated partnering with them on the public awareness of the issue.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to place the following ballot question summary on the November 8, 2011 local election ballot as follows:**

**Ballot Question Summary**

**A "YES" vote means you believe that the Mayor and the City Council cannot approve the sale, lease or transfer of any part of the City drinking water system, which includes reservoirs, watershed land, treatment plants, pump stations and many miles of underground pipes unless any sale, lease or transfer is also approved by the voters through a referendum question put forth on the City ballot at a general election, with two-thirds of those voting on the question to approve such proposed sale, lease or transfer.**

**A "NO" vote means you believe the Mayor and the City Council could approve such a proposed sale, lease or transfer without first obtaining the approval of the voters in the manner described above.**

- B) Memorandum from Community Development Director re: Request for City Council to Amend GCO §22-288 and §22-290 (Off Street Parking) – Harbor Walk and Harbor Parking Lot

**Sarah Garcia**, Community Development Director and **Gregg Cademartori**, Planning Director was present for a presentation to the Committee. **Ms. Garcia** noted they have been going forward with the design by Cambridge Seven Associates for the Harbor Walk. As part of that design, parking is affected in two locations – the Town

Landing (St. Peter's Square or Parking Lot) and the Harbor Parking Lot between Rogers Street & the Gloucester House Restaurant. They're looking for thoughts and guidance from the Committee on the direction they should be taking. The Traffic Commission did hear and made comments on the St. Peter's Square Lot and wished to relay to the Committee what their options are at that locale before they go to a full public hearing. They will hear a full presentation on the Harbor Walk at the City Council meeting of July 26th by the designers on some of the choices being made, especially at St. Peter's Square.

**Ms. Garcia** described the Harbor Parking Lot and showed a large photographic map to the Committee of that lot as well. The Harbor Walk is proposed to go from Gus Foote Park to where tickets are sold for the whale watch tours near the Gloucester House; and comes between the City parking lot and the Gloucester House property over to I4-C2. Where it currently comes across there is a narrow strip where there are parking meters with bollards in the way. There is no easy or safe way to cross there. They want to take a six foot strip which loses two parking spaces in that location. They felt it was a minimal impact to guide people along the water and to be safe in the crossing. They have support from the adjacent property owners with a lot of support for bringing more people down to the area. The actual layout of the Harbor Parking Lot (a City-owned lot) was also viewed and described. **Councilor Tobey** asked what was it about the insertion of this walk that required the spaces to go away. **Ms. Garcia** noted there is a group of vertical posts on the Gloucester House property. They can't develop on private property. **Councilor Tobey** pointed out they could if they got an easement. **Mr. Cademartori** noted it is not completely on City property. They do have three locations where the Harbor Walk is proposed in part on private property so there will need to be some easement in that area. They've tried to maintain a six foot wide walking path for the entire length. It starts to truncate these spots which will have to be extended to maintain the minimum circulation width, and it comes at the expense of these two spaces. **Councilor Tobey** commented they're doing this so cars can navigate which **Mr. Cademartori** confirmed for this particular lot. He also noted a need for a grade change and other changes necessary to make a continuous walk and connect it to I4-C2. On inquiry from **Councilor Theken**, **Mr. Cademartori** explained there will continue to be driveway access but it will lead to this point and be treated like a crosswalk at that location and along the margin of I4-C2 leading to the wharf there is another design element that will take them out to the existing wharf. It is all on the perimeter on the property. **Ms. Garcia** stated in the GCO §22-288 the Harbor Parking Lot references two drawings, #30005 from 1957 and references as amended to parking spaces in 1997. The January 7, 1997 drawing has not been located. Archives, the City Clerk's office and Engineering has searched for the 1997 drawing. **Mr. Cademartori** added the survey was done in the spring by Hancock Associates which is reflective of the 71 space count, and presumed the '97 plan reflected that. They can have a new plan with a new date that reflects the new layout. **Councilor Tobey** asked about I4-C2 and the Administration's plan to somehow gain revenue generation for those vehicles currently parking on I4-C2 for free, at the expense of all the metered parking on Rogers Street. **Ms. Garcia** responded there are not plans to do so this summer. She thought if it was still vacant next summer that would be up for discussion. It is hoped the RFP (for bids to develop I4-C2) would be out this fall and under consideration by the Council and it is hoped that plans would be in place by next summer. They looked at the issue of temporarily making it a parking lot with an attendant with the DPW, which could be worked out but had not been yet. They are willing to tackle it. **Councilor Hardy** asked about which areas were metered and which are not in this area under discussion. **Mr. Cademartori** noted they were all metered except for the handicapped space.

**Ms. Garcia** then described the Town Landing (also known as St. Peter's Square). She noted the original design picture from the consultants. She described the picture and described some of the design elements to the Committee expressing the designers lined up the existing crosswalk that comes across Rogers Street intersection at Tally's Corner. They took the end of that crosswalk and lined it up with the new Harbor Walk to the end of the wharf. This takes out a row of cars that park up against the Cape Ann Brewing Company which is a big impact for the City. They want to do this because there is an existing buoy kiosk there which she felt gets lost and is not much of an entrance to the Harbor Walk. This particular spot is striped for five cars. Two are handicapped, spaces, three are not. It has evolved in discussion with the designer that they actually can gain back now six feet and allow an extra two spaces on the end of one row and can get the two handicapped spaces back and two more spaces along the street which brings it to a zero impact on parking spaces. What she understood from the designers is that such a plan of zero impact changes their design substantially. She explained that while the Harbor Walk matters, so too does a functioning downtown. If they're successful with the downtown, if I4-C2 gets the kind of uses she hopes for; if they get the redevelopment of numerous sites along the downtown that are vacant areas or are becoming vacant (like the courthouse); they need a lot of parking and contended six spaces, however, "will not break us". They're doing the Harbor Walk to attract that kind of investment – there is a package deal in downtown Gloucester – fisheries, the harbor of 400 years and this is a place to invest; where businesses can grow. If they do that, she believed that "six spaces are a small price". **Councilor Theken** noted the vendor space currently at the entrance at the crosswalk to

St. Peter's Park which is another issue. **Ms. Garcia** agreed and suggested the vendor would have to be pushed up. **Councilor Theken** stated if he is pushed up further, they'll lose more parking spaces on Rogers Street. More importantly, the park was built for fishermen to have access to their boats and that their cars would be safe for them there while at sea. No meters are there because it is a fisherman's park. What were they doing for them? **Ms. Garcia** noted it has been mentioned over the years to do some kind of kiosk parking. There is no reserved parking for the fishermen or the neighborhood which are the two groups that really need it. They've talked about a parking station and give a free pass to anyone who has dockage and anyone who lives in the immediate neighborhood (Beach Court and down to the Fort). A parking kiosk lot would be a way to generate revenue and is estimated it could be \$11,000 in revenue for non-resident users while guarantees residents and fishermen having parking. On inquiry by **Councilor Theken**, **Ms. Garcia** stated there would have to be a special sticker for the fishermen with dockage and immediate area residents, according to Mike Hale, DPW Director. **Councilor Mulcahey** commented if two handicapped spaces were removed, they would have to be replaced elsewhere in the park; and fishermen don't just put their vehicles there to park, they unload equipment and off-load their boats. Further, there an ordinance that when someone opens a restaurant they have to have a parking space for every two people in their restaurant. The restaurants in the area (ex. Café Dolce, The Brewery, Horizon's, Catch 22, and Giuseppe's) without adjacent parking to their business got the option of running their restaurants in the immediate area because they had a public parking lot within 400 feet of their restaurants. The Councilor believed if there are spaces removed there will be even more overflow parking onto Beach Court. They're looking to protect the neighbors in the area. **Ms. Garcia** noted the more successful the development of the downtown there becomes an even greater lack of parking spaces. She also noted that Councilor Tobey had a Council Order to protect the parking on Beach Court that would come forward later on the agenda and believed it made sense. **Mr. Cademartori** noted they heard what the Traffic Commission said at their recent meeting when they reviewed the proposal for both parking areas and had public input; and heard clearly those parking spaces in this location were important. They met with the Fiesta Committee and touched base with the St. Peter's Club the previous week. They then looked at what they could do to make this from a parking space count a neutral application. There were many other issues touched upon earlier; how to manage, how to assign potential usage which is a conversation to be had over several meetings and with the Traffic Commission. **Councilor Theken** asked if they talked to the residents who live there on Beach Court. **Ms. Garcia** stated they talked to the Fiesta Committee. **Councilor Theken** reminded Ms. Garcia they don't live there and don't have to deal with it. **Councilor Tobey** understood the Seaport Bond Council is funding a lot of the Harbor Walk; they also funded the reconstruction of Lobster Marina. He asked if they had met with the tenants of the Lobster Marina. **Ms. Garcia** stated they met with a representative of the Waterways Board. **Councilor Tobey** noted that is the landlord and asked again if they had spoken to the tenants. **Ms. Garcia** stated they would speak to the tenants. **Councilor Tobey** wanted to know how they feel about the safety of pedestrians that close to where they unload and load trucks and other vehicles and wondered how they would feel about the parking spaces noted on their photographic map (an overlay made from aerial photograph and on file drawing – map on file) as #5 and #6 in terms of their ability to on- and off-load. **Councilor Mulcahey** noted the presence of two Beach Court residents. **Councilor Theken** stated there is a week before they make a presentation at City Council and she felt they will not pass anything unless they know what the parking is going to be. She didn't wish to promise parking and then have it not go through. They may be losing six spaces; and wanted to know how many spaces will be for residents. **Mr. Cademartori** noted from the perspective of the design and what is in front of them for the ordinance, he hears that the Councilors want to see something neutral which can be addressed in the immediate term, but who is using it becomes a wider goal. **Councilor Theken** felt their speaking with the residents of the immediate area and the tenants of the marina was critical as this area is based for the fishermen. **Councilor Verga** asked for clarification that there would not be reserved spots in this lot but a sticker so the residents of the immediate area and the fishermen would not have to pay a fee to park in the lot. **Councilor Theken** stated they couldn't reserve the spaces; it is first come, first served; but that was the intent that the fishermen and residents would not pay and a special sticker would indicate that on their vehicle.

**Robert Ryan, Chair of the Traffic Commission** stated that the Commission had two major concerns, noting there is a good looking brick walkway already in place at the Town Landing. There are 90 parking spaces there and there are 1,843 restaurant seats on Main Street and Rogers Street which in reality means they need 615 parking spaces. There are art galleries and stores; and there is a push for apartments on the second floors of these buildings. Where will the workers park, for instance. With the Harbor Walk and Town Landing they're running out of [parking] space. There is nothing wrong; he contended that there is a brick walkway which appears to be utilized and not take out the six spots. He asked they tie that walkway in (Mr. Ryan showed several pictures of several views of this walkway he spoke of which were not made a part of the record). He noted at Latitude 43 Restaurant there is a sign that says "Harbor Walk" and was told the Harbor Walk was coming down Boyton Way and so they reduced a pick up/loading

zone several years ago to accommodate it. He is in favor of the Harbor Walk; it is a great idea but asked they utilize what they have without removing parking spaces. The area is now called "Restaurant Row" which he pointed out from a recent newspaper article citing Passports, Jalapeños, La Trattoria, Giuseppe's Pizzeria, Topside Grill, Catch 22 as just several area restaurants that have no (associated direct) parking. They ask the Commission to solve the parking issues, but they are being hampered by proposals such as these. **Anthony Bertolino**, Traffic Commission member stated his concern is for the working waterfront. He noted behind the old Fisherman's Union building that lobstermen work there; and that it is a very busy commercial area. They have to off- and on-load those trucks now with pedestrians walking back and forth. Ten to fifteen years ago Sebastian "Busty" Scola, a former fisherman walked that area daily and collided with a "jitterbug" loaded with fish; Mr. Scola was killed. He asked them to think of the children who are going to be walking this area and didn't think it should be near operating businesses. **Councilor Mulcahey** explained every time they reorganize in the City they tend to be a little larger than they imagined. She gave the example of the Brewery who did landscaping and created another parking issue. When something new goes in and then other things get added on which creates other issues that are unexpected. The Town Landing with zero impact on parking is the only proposal she would agree with. **Ms. Garcia** did not think the loss of six spaces would stop a "hot night in Gloucester". **Councilor Theken** asked about the working waterfront concern. **Ms. Garcia** noted they would put stone bollards in to protect pedestrians. She has never felt threatened for her safety walking that area weekly. She did not think people would be run over on side walks. She stated in response to **Councilor Theken's** question that she believed the City carries liability insurance for all sidewalks and City property. She appreciated the outside eating spaces on the waterfront, and it has worked out for all. When room is made for everyone they are successful and think they can do it here with the Harbor Walk. **Councilor Theken** asked about the walkway. **Ms. Garcia** pointed out that she would leave it to the designers and discussed the buoy kiosk and how it is not in the best situation. **Councilor Tobey** noted three or four maritime trails through the years which cost about \$200 for paint and some volunteer time; the red paint is still there. **Councilor Theken** stated visitors would come for the working waterfront, the fisherman's statue. But they have beautiful areas around the entire City. She didn't mind producing the Harbor Walk to view the working waterfront to a large degree. **Councilor Tobey** noted the little pathway was something people found when there was a red stripe going down there. It was very effective without removing parking spaces. **Councilor Theken** agreed with Councilor Mulcahey and didn't want to lose any parking. If they can make it more beautiful without removing parking it would be more palatable. She urged Ms. Garcia and Mr. Cademartori to work with the neighbors and fishermen; and with the kiosk she had no problem. She also reminded Ms. Garcia that Mr. Bertolino and Mr. Ryan on the Traffic Commission and that entire Commission is a Committee of the O&A. **Ms. Garcia** noted a Harbor Walk with a beginning and end with story moments will attract people to the area. This will connect it to St. Peter's Square and to the Fitz Henry Lane House and park. But right now they're not connected. **Councilor Theken** stated there is no vote this evening. She would like to see the lots separated as a vote. She had no problem with the Harbor Lot. She didn't want to turn down one because of the other. If they were taken as one vote it could cause a delay on them both. **Councilor Hardy** asked if this was the big picture or is there more to come. **Ms. Garcia** stated they have not done a parking study to date. **Mr. Cademartori** clarified that these are the only two areas affected by the Harbor Walk with regards to parking. There will be a presentation on the 26<sup>th</sup> to the Council. **Councilor Hardy** didn't think the Committee was ready to even vote yet for a public hearing. There is the I4-C2 RFP coming forward to the Council through the Mayor's Report soon also. She would like to look at the whole big picture. **Ms. Garcia** stated the Harbor Walk does not go together with I4-C2's RFP. She believed the RFP was a separate issue and that the RFP will be a lengthy process, and then they will be evaluating proposals for months. This is scheduled to be all done this fall and is part of the selling piece for I4-C2. This says the City is willing to invest in its downtown and encourages businesses to locate here; it says they're willing to work together on it; and is an investment in the City moving forward in making an investment in the maritime sector, the visitor based tourism, and in economic development. **Councilor Theken** reiterated she wished Ms. Garcia and Mr. Cademartori to talk to the fishermen and lobstermen at Lobster Marina and the residents who live on Beach Court. **Councilor Tobey** noted there needed to be legal language defining what parking spaces are being removed; what parking spaces are left with relation to a plan. **Ms. Lowe** agreed with the Councilor and that there is a plan but it has not been located. **Councilor Tobey** urged Ms. Garcia to understand that if they're going to get rid of parking spaces they have to do it legally, regardless of schedule considerations. **Ms. Lowe** noted if they are going to amend the two sections of the ordinance they all reference plans; they have to have a new plan that an ordinance amendment can reference in order to be done properly. **Councilor Theken** also hoped there would be language from the Legal Department for any proposed ordinance changes.

**This matter is continued to August 1, 2011.**

## C) Memorandum from Police chief re: School Zone Speed Limit in the area of 384 Washington Street

**Police Chief Lane** explained during this past late winter he was informed by the parents, students and administrators of the Faith Christian School the folks crossing students in the morning and afternoon have almost been run down in the crosswalk a few times. As a result he contacted Mr. Ryan of the Traffic Commission and asked him to conduct a traffic study with the JAMAR recording equipment, which he did. As a result of that study Mr. Ryan recommended that the Chief put forward the creation of a school zone with an accompanying 20 mph speed limit in and around 384 Washington Street. They had several people at a recent O&A meeting from the school and gained their input and with appropriate signage. **Councilor Theken** noted that the people didn't realize that this meeting had been continued. She had their input that it be created as a school zone and were waiting for the Traffic Commission's report. **Councilor Hardy** expressed her agreement with the Traffic Commission's recommendation. **Mr. Ryan** noted at the Commission's meeting of July 7<sup>th</sup> they endorsed Police Chief Lane's recommendation which was backed by JAMAR speed studies that a 'School Zone' be established in the area of the Faith Christian School on Washington Street and would support the Council Order. Once it is approved at O&A, it goes to the Council for a vote and then on to the State for their review and approval. The speed limit is 25 mph in the area of the school. In the week they studied there were 72,000 vehicles. The average speed was 32 mph. The 85<sup>th</sup> percentile (which is what the State bases their decision on) was 35 mph in front of the school which indicates vehicles are, in fact, speeding. The report gives the number of cars, the time they're going by, the length of the vehicle, the direction they were travelling and saved a lot of labor. This was a good investment for the City, he believed. **Councilor Theken** agreed with Mr. Ryan, and thanked Chief Lane for pursuing a grant to purchase the JAMAR recorder. She recalled the folks and students who attended an earlier O&A meeting when this first appeared on their agenda and spoke of their experiences with the speeding traffic and heard a clear need for this school zone to be created and was pleased to see this come forward. She was also was grateful to the Traffic Commission, all of whom are volunteers. **Mr. Ryan** added his commendation on Mr. Bertolino's 37 years of service on the Traffic Commission. **Councilor Hardy** asked if it was the State determines that it is a school zone which Mr. Ryan confirmed. **Councilor Hardy** asked about a blinking yellow light and who would install it; further, she noted when the work in North Gloucester was done the blinking light came down at the Washington Street crossing for the Beeman School. It had not been put back. **Councilor Theken** stated the State can approve the speed limit and the parameters of the school zone; but the City pays for the blinking light and installs it. **Councilor Mulcahey** asked how they determine the actual school zone. **Mr. Ryan** noted some examples around the O'Maley School. It is so many feet from the school determined by the State. **Mr. Bertolino** commented about vehicular access but the State can also take into account the secondary roads.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to forward a recommendation to MASS DOT that a 'School Zone' be established in the area of the Faith Christian School located at 384 Washington Street accompanied by the attendant JAMAR speed study documentation.**

## D) CC2011-026 (Hardy) Set Speed Limit for Gee Avenue

**Councilor Hardy** noted as a result of some complaints from residents in the area of Gee Avenue; the JAMAR recorder was utilized for this neighborhood. **Mr. Ryan** stated at the Commission's July 7<sup>th</sup> meeting they recommended that the speed limit for Gee Avenue be set at 20 MPH. From June the 5<sup>th</sup> to June the 12<sup>th</sup>; there were 4,677 cars that traversed Gee Avenue. The mean speed was 18 mph, and the 85<sup>th</sup> percentile was 23 mph. The State feels proper speed is the 85<sup>th</sup> percentile. There are no sidewalks, and it is a winding street, thickly settled. There are blind corners as well. For all those reasons they're asking for 20 mph. They also check accident records and there have been no reported accidents in the last two years. Maybe by lowering the speed limit they'll make sure there are no accidents. **Mary Helen Landergren**, 5 Gee Avenue stated the residents are concerned about the children. They know vehicles are speeding on Gee Avenue. They don't want that first accident. At 30 mph when a child is hit they'll be badly hurt or killed. They want speed limit signs. They ask the Committee to pass this for the children. She thanked Chief Lane, Councilor Hardy and Mr. Ryan. **Chief Lane** suggested in the interim he could place a speed trailer on Gee Avenue which is a precursor to enforcement and asked the neighbors to let him know where they would like the speed trailer placed. **Councilor Theken** stated this speed limit has to be approved by the Council and then goes to the State. The Chief is saying that by placing the speed trailer on Gee Avenue in the meantime it could be a great help. A resident of Gee Avenue noted the street is 16 feet across and has no sidewalks.

**Councilor Hardy** suggested a location right before Gardner Terrace would be a good place for the speed trailer. **Tim Sanborn**, 20 Gee Avenue asked where the JAMAR recorder was placed. **Mr. Ryan** stated it was in front of 5 Gee Avenue. **Mr. Sanborn** noted the traffic coming off of Washington Street was particularly bad. **Mr. Ryan** stated the JAMAR recorder captures vehicles going both ways. **Mr. Sanborn** would like to see if there were any short term solutions. Five cars ran the stop sign five times just this afternoon. **Chief Lane** emphasized that they have similar complaints across the City and do what they can based on available resources. The Commission also recommended that proper signage be posted accordingly when the speed limit is accepted by the State; and that a yellow dividing line be painted on the road to remind motorists it is a two-way street. **Councilor Theken** again thanked Chief Lane and Mr. Ryan for their efforts.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to forward a recommendation to MASS DOT that a speed limit of 20 MPH be set for Gee Avenue accompanied by the attendant JAMAR speed study documentation.**

**The O&A Committee ask the DPW through the Administration paint a yellow dividing line on Gee Avenue to remind people it is a two-way roadway.**

- E) CC2011-027 (McGeary) Amend GCO §22-270 (Parking Prohibited at all Times) by DELETING “Eastern Ave., Southerly side from Hartz Street, westerly for a distance of forty (40) feet

**Mr. Ryan** recommended based on the discussion at the July 7<sup>th</sup> Traffic Commission meeting that once the ordinance is amended to remove the no parking area of 40 ft. on Eastern Avenue southerly side from Hartz Street, westerly; that a sign should be erected stating “No Parking Here to Corner” (in front of Jeff’s Variety). This was accommodating the store owner. He believes the 20 ft. is adequate. Rather than taking two or three parking spaces they’re deleting the 40 ft. but then when removed it would revert to the 20 ft. for all intersections already in the ordinance. In addition to erecting the sign, it is recommended that yellow diagonal lines be painted on the street indicating “no parking here to corner” as well. **Jeff Todd**, owner of Jeff’s Variety commented that his business has people in and out quickly. He asked for this change through Councilor McGeary. The sign will be more visible with this change in ordinance and spoke of striping the front on the street as a deterrent.

**MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the Ordinances & Administration voted 3 in favor, 0 opposed to recommend to the City Council to recommend to the City Council to AMEND the GCO §22-270 (Parking Prohibited at All Times) by DELETING “Eastern Avenue southerly side, from Hartz Street westerly for a distance of 40 feet AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**The O&A Committee requested the Mayor ask that the DPW have yellow diagonal lines be painted on the street indicating “no parking here to corner” denoting the 20 ft. No Parking area on Eastern Avenue in front of Jeff’s Variety.**

2. *CC2011-028 (Tobey) That O&A investigate and report to Council an enactment of a “Gloucester Residents Only” parking district ordinance on Beach Court in front of 17-21 Commercial Street from June 15<sup>th</sup> through July 15<sup>th</sup>*

**Councilor Tobey** explained to his Committee that folks in the neighborhood are having a hard time parking in front of their homes during Fiesta season. They’ve done some experimentation before on other streets and wanted to see if O&A could ask the Traffic Commission for their feedback for just that month Beach Court both sides including the strip of 17-21 Commercial Street. This is from the old Bertolino’s all the way down to the end of Beach Court. **Councilor Hardy** asked why they wouldn’t do this from May 1st to September 15<sup>th</sup> which would help some of the on-going parking issues as resident sticker parking only. **Councilor Verga** wanted this made clear that this would be like what had been done in Lanesville and Magnolia; that it would be resident sticker parking only, which the Committee confirmed. **Ms. Lowe** suggested this has generated some confusion about enforcement with the writing of tickets. She asked that there might be more definitions in Chapter 22 of the Code of Ordinances defining “resident parking” and would work with Mr. Ryan to frame language for the Committee to review.

**By unanimous consent the O&A Committee referred the matter of CC2011-028 (Tobey) That O&A investigate and report to Council an enactment of a “Gloucester Residents Only” parking district ordinance on Beach Court in front of 17-21 Commercial Street from June 15<sup>th</sup> through July 15<sup>th</sup> to the Traffic Commission.**

**This matter will return to the O&A Agenda for August 15, 2011.**

**3. CC2011-029 (Tobey/Verga) That O&A investigate and report to Council an enactment of an ordinance Establishing a “Magnolia Woods Advisory & Oversight Committee**

**Councilor Tobey** noted the O&A site visit in early June at Magnolia Woods accompanied by Mr. Hale and Mr. Cole of the DPW with good discussions on problem solving and activities with Weston & Sampson, the consultants. There was also the discussion with the members remaining of the initial group who oversaw the capping of the landfill and helped with the creation of the Magnolia Woods; and out of that discussion came the idea that a commission should be created. The Commission being brought forward now is modeled off of the Tourism Commission to meet the oversight of Magnolia Woods and to give the group specific chores to make recommendations on capital improvement and to generate revenue streams to help with maintenance costs. He wanted to capture the interest groups most actively using the area and the abutters and someone from the Magnolia community at large as well as the DPW Director and a City Councilor. There are staggered memberships, and all are three year terms. **Councilor Theken** understood that Youth Soccer, and Youth Lacrosse wanted to have someone from the school represented. She suggested the School Athletic Director and thought it was a good idea. **Councilor Hardy** suggested that it would be appropriate to add a resident from the community at large as well. **James Cooke**, 622 Western Avenue asked about the Commission’s mission. He noted recommended programs and “revenue streams”. **Councilor Tobey** stated this came from their discussion at the site visit. **Jack Hill**, 528 Essex Avenue asked about the parking situation. **Councilor Theken** stated they’re still waiting to hear from Weston & Sampson for their report. **Mr. Cooke** asked where they were as far as the study was concerned. In the fall the activity there will pick up. **Councilor Theken** asked that Mr. Hale attend the public hearing on this matter so that he can comment on the study. **Mr. Cooke** commented with the fall and that there will be lack of parking with no temporary plan in space. **Councilor Verga** noted for the record this was a joint order and he was inadvertently left off of it and asked it be corrected.

**MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND the Gloucester Code of Ordinances by ADDING the following AND FURTHER ADVERTISING FOR PUBLIC HEARING:**

**Chapter . Magnolia Woods Oversight and Advisory Committee**

**Section x-xx1. - Purpose.**

**In recognition of the continuing need for oversight in the city’s ownership, operation and maintenance of Magnolia Woods so its full recreational utilization can be sustainably realized and its integrity as an environmental remediation project and as a natural resource for the entire community can be fully protected, the Magnolia Woods Oversight and Advisory Commission is hereby created and established.**

**The commission shall undertake but not be limited to the following activities:**

**(1) Recommend an overall and coordinated program for the use of the recreational facilities at the Magnolia Woods that balances the competing needs for the various recreational and sports programs seeking to use those facilities.**

**(2) Review and make recommendations upon plans for proposed maintenance of or capital improvements to any of the facilities or property contained within the Magnolia Woods and provide advisory oversight to the execution of any such plans.**

**(3) Recommend programs and activities which can generate revenue streams which can be dedicated to the maintenance or improvement of any of the facilities or property contained within the Magnolia Woods.**

**Section x-xx2. – Tenure; composition; requirements.**

The Magnolia Woods Oversight and Advisory Commission shall consist of nine (9) members, three of whom one will be the Gloucester School System Athletic Director (or his/her designee), two of whom shall be the Director of Public Works (or his/her designee) and the ward councilor representing Ward 5, who shall serve so long as they hold the aforementioned positions. The six remaining members shall initially be appointed by the mayor of the city and approved by the city council under §2-10 of the city charter for the terms listed below and shall be residents of Gloucester:

- (1) Two(2) member for one (1) year;
- (2) Two (2) members for two (2) years; and
- (3) Two (2) members for three (3) years.

The successors to these initial appointees shall serve for a term of three years. The six appointed members shall represent the following interests:

- (1) The Cape Ann Youth Soccer Association;
- (2) The Cape Ann Youth Lacrosse Association;
- (3) The Cape Ann Model Airplane Flying Association;
- (4) The neighborhood abutting the Magnolia Woods; and
- (5) The Magnolia community at large provided, however, that this member shall be a resident in Ward 5 of the City;
- (6) A representative from the community at large, provided that this member, however, will be a registered voter of the City.

**Section x-xx3. – Vacancies.**

In case of resignation, death or disqualification of any member of the commission, or for the purpose of filling a vacancy for any other reason, the appointment of a new member to fill the unexpired term of such previous member immediately shall be made by the mayor and forwarded to the city council for its approval.

**Section x-xx4. – Assistance of city officials, boards and employees.**

The commission shall receive regular support and assistance from the Department of Public Works.

**4. *Communication from Christopher M. Sallah re: Cordials & Liqueur Permit Option under MGL c.138 §12***

**Christopher Sallah** of Sugar Magnolias Restaurant on Main Street (a beer and wine licensee), noted in Massachusetts most cities have three distinct licenses: beer and wine, beer, wine and cordials (Kailua, Frangellico, Lemoncello, Bailey's, etc.) and all alcohol. Then there are seasonal, all year, single day licenses, etc. which the Licensing Board governs and manages. In 1994 the Council rejected this option so there is only beer and wine and all alcohol. Considering the City and its Italian roots, he wished to add this option. This is a small after-dinner aperitif and doesn't infringe on other businesses offerings. He has the support of 9 of the 10 beer and wine license holders. He would like this to be added to the licensing choices that they do not currently have. **Councilor Theken** asked if this adds or take away from the licenses. **Attorney Michele H. Harrison**, Chairwoman of the Licensing Board stated MGL c. 138 §12 is what governs on-premises liquor licenses for restaurants. They have all alcohol licenses and beer and wine licenses (actually called beer and malt). If the City Council accepts this section of c. 138, §12, if you hold a beer and wine license they could also serve cordials and liqueurs. She gave the example that one could have a Campari & soda before dinner, and have a brandy after dinner which could be now done if you only have a beer and wine license. This would affect places like Sugar Magnolias, and Passports for instance. It is something Gloucester has never accepted before. The statute says that the City Council has to accept this section of c. 138, §12, paragraph 15. **Councilor Verga** asked if they vote it would it be automatic for beer and wine license



holders to have this privilege. **Attorney Harrison** stated it is not. If the Council accepts this and a beer & wine license holder wishes to serve cordials, the license holder must get the written approval from the Licensing Board. Beer and wine licenses are limited. But seasonal licenses are not; however, they are at the discretion of the Board. She also stated the 1994 Council minutes are vague on the matter and could not discern the reason for the rejection of the law then. **Councilor Hardy** asked if they could have just a cordials license. **Attorney Harrison** stated no. This would be an enhancement for the beer and wine license holders. She also commented the Board have not looked yet into how many cities and towns have accepted this part of c. 138, §12. The Board also didn't think there will be over consumption. One tends not to over consume something like Lemoncello. **Councilor Tobey** asked if the Licensing Board would like to review this first. **Attorney Harrison** stated they spoke with Mr. Sallah and suggested he come before the O&A Committee. She suggested they continue this matter, and the Board could get that information or they could go to public hearing and then give them the information at that time. **Councilor Theken** asked that the Board review this first and get the information to them. **Councilor Hardy** asked if this would be an additional fee. **Attorney Harrison** stated they would have to amend the newly passed fees. The Licensing Board supports this change but needed to do their research. They would need to find out what other communities charge and how many communities have an additional license for their beer & wine license holders.

**This matter is continued to September 19, 2011.**

**Councilor Mulcahey** reported the Charter Committee is continuing their review and are up to Article IX. They would request when finished with their review to have a meeting with O&A.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 9:11 p.m.**

**Respectfully submitted,**

**Dana C. Jorgenson**  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Harbor Walk: Two maps/plans of proposed changes to St. Peter's Square Parking Lot; one map/plan of Harbor Parking Lot (Gloucester House) Parking layout**
- **Letter of endorsement signed by nine beer and wine license holders regarding Item #4, Communication from Christopher M. Sallah re: Cordials & Liqueur Permit Option under MGL c. 138, §12**