

opposed, to recommend that the City Council appoint Christine Lundberg to the Gloucester Cultural Council, TTE 2/14/25.

Gloucester Cultural Council

Lily Narbonne

TTE 2/14/25

Summary of Discussion: Ms. Narbonne was not in attendance. Her appointment was continued until the December 5, 2022, Ordinances & Administration meeting.

2. *CC#2022-032 (Gross, Worthley): Amend GCO Ch. 22 "Traffic and Motor Vehicles" by AMENDING Sections 22-30 "Created; purpose," Sec. 22-31 "To act in official capacity under control of the mayor," Sec. 22-34 "Duties"*

Summary of Discussion: Councilor Gross stated that in reviewing some of the ordinances he realized that the Traffic Commission was burdened by having to deliver detailed studies of traffic and parking conditions throughout the City. He explained that the Traffic Commission is a board of volunteers that does not have support staff, nor do they have a budget. He also explained that the members of the Traffic Commission have local expertise but not formal training. Due to this, he stated that he submitted a Council Order with some proposed changes to the language of the ordinance. He explained the changes including that the Traffic Commission will not be required to submit detailed reports and that their primary purpose is to make recommendations to the Mayor on matters regulating traffic and parking in the City. Councilor Worthley stated that he is in support of the changes and thanked Councilor Gross for his work on this matter.

The Members of the O&A Committee thanked both Councilors Gross and Worthley for their work on this matter.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Margiotta, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council amend GCO Ch. 22 "Traffic and Motor Vehicles," Article II. "Administration and Enforcement," Division II. - "Traffic Commission" by amending Sec. 22-30 "Created; purpose," Sec. 22-31 "To act in official capacity under control of the mayor," Sec. 22-34 "Duties" as follows:

DIVISION 2. - TRAFFIC COMMISSION

Sec. 22-30. – Created: purpose.

As a continuation of planning board work and for the purpose of promoting the health, safety, convenience, and general welfare of the inhabitants of the city, to lessen congestion and confusion in the streets, to lessen the danger from fire and assist the fighting of it and to facilitate the creation of more adequate provision for transportation and parking, there is hereby created a traffic commission. The commission shall have as its primary purpose the making ~~of studies and presenting~~ of recommendations to the mayor in the matter of regulating traffic and parking in the city.

Sec. 22-31. - To act in official capacity under control of mayor.

The traffic commission shall act in an official capacity for the city and shall be under the overall control and authority of the mayor. *Except in matters involving Gloucester Code of Ordinances and Gloucester Zoning Ordinances, the City Council may make referrals to the Commission for their recommendation.*

Sec. 22-32. - Composition; appointment; terms of members.

The traffic commission shall consist of seven members comprised of a member of the fire department, police department, department of public works and four resident members who shall be at-large members. These members shall be appointed by the mayor and confirmed by the city council. Appointments to the commission shall be for terms of three years. In case of the resignation, death or disqualification of any

member of the commission, or for the purpose of filling a vacancy, for any other reason, an appointment for the unexpired term shall immediately be made by the mayor.

Sec. 22-33. - Organization meeting; officers.

As soon as possible after the membership of the traffic commission is determined in each year, the commission shall meet and elect from its own membership a chairperson and secretary-treasurer to serve for the term of one year. The secretary-treasurer shall give official notice in writing to the mayor that the commission has organized, giving the names of the chairperson and secretary-treasurer.

Sec. 22-34. - Duties.

It shall be the duty and responsibility of the traffic commission to ~~make detailed studies~~ *consider* of the motor vehicle and all other forms of traffic within the city, its present and future parking needs and related matters, and to determine, on a community-wide basis, ~~an overall long-range plan to meet~~ the city's needs. As such needs are determined, recommendations for the improvement of conditions, accompanied by such maps, graphs and charts as may have been prepared, shall be submitted to the mayor.

Reserve parking spaces for handicapped persons and disabled veterans as authorized in GCO Ch 22. Article 2, Division 2, Sec. 22-37.

Authority to approve stop intersections as authorized in GCO Ch 22. Article 2, Division 2, Sec. 22-38.

Sec. 22-35. - Assistance of city officials, boards and employees.

The traffic commission may request the services and assistance of any of the officials, boards and employees of the city at all reasonable times when the commission determines that it requires the assistance and advice of such officials, boards and employees in the performance of its duties.

Sec. 22-36. - Annual report.

The traffic commission shall make an annual written report of its activities to the mayor.

Sec. 22-37. - Commission's authority to reserve parking areas for handicapped persons and disabled veterans.

(a) The traffic commission may, after conducting a duly noticed public meeting, promulgate regulations to designate certain parking areas reserved for handicapped persons and disabled veterans.

(b) A request for a handicapped person and disabled veteran parking area shall be filed with the commission through the city clerk's office. Each request shall be accompanied by proof of a handicapped plate or placard. As a part of the public meeting, the commission shall consider the recommendation of the director of the department of public works, police and fire chief. At the close of the public meeting, the commission may, by majority vote, reserve parking areas as reserved for handicapped persons and disabled veterans. The commission shall file notice of its decision to promulgate such regulation with the office of the city clerk. All approved reserved areas shall be published as regulations known as the "List of Parking Areas Reserved for Handicapped Persons and Disabled Veterans in the City of Gloucester" and enforced when official signs are in place.

(c) The city council committee on ordinances and administration may review the regulation reserving the parking space upon request of an aggrieved party. The committee's approval or disapproval of such a reservation 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.

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

(a) The traffic commission may, after conducting a duly noticed 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.

Secs. 22-39—22-49. - Reserved.

Secs. 22-7—22-19. - Reserved.

The Public Hearing for this matter will be held at the City Council meeting on December 13, 2022.

3. CC#2022-033 (Gross, Gilman): Amend GCO Ch. 11 "Hawkers, Peddlers, Transient Vendors and Special Events," Sec. 11-3(b) "Local license/permit requirement for fixed vending locations; procedure to obtain" and Sec. 11-5 "Fixed vending; site specific locations (six)"

Summary of Discussion: Councilor Gross stated that there is currently no onsite time requirement or start date in the ordinance. He explained that the proposed language includes a 21-day onsite requirement between May 15 and September 15 and that vendors should be onsite no later than July 4th. He further explained that an appeal process to the Licensing Commission has been built in for an exemption from the July 4th and/or 21-day requirement. Councilor Gross also explained that language has been updated regarding a tie between two or more disabled veterans or where there are no disabled veterans; the high bidders now may resubmit a sealed bid within two business days. Councilor Gilman thanked Councilor Gross for his work on this matter. She added that this matter is moving forward quickly as the bidding process begins at the beginning of the year and the ordinance will not be effective until 31 days after approval. Councilor Gross added that nothing has been changed as far as the number of fixed vending locations (six sites plus three reserved). To add an additional location, he stated that the matter would require an ordinance change.

The City Clerk, Joanne Senos, explained that the Licensing Commission is made up of herself, the Police Chief and the Fire Chief and that she issues the licenses on behalf of the Licensing Commission. She further explained that any new vendor would need to come before the Licensing Commission to be vetted in order to bid on a fixed location.

Vendor, Paul Burrows, co-owner of Rhea Pizzeria Napoletana, who is at the Stage Fort Park fixed vendor location thanked the City for allowing and supporting fixed vendor locations.

The Members of the O&A Committee thanked Councilors Gross and Gilman for their work on this matter.

The Public Hearing will take place at the November 22, 2022, City Council meeting.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Margiotta, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to recommend that the City Council amend GCO Ch. 11 "Hawkers, Peddlers, Transient Vendors and Special Events," Art. II. "Hawkers and Peddlers", Sec. 11-3 (b) "Local license/permit requirement for fixed vending locations; procedure to obtain." And Sec. 11-3 (c) "Local license/permit requirement for fixed vending locations; procedure to obtain." And Sec. 11-5 "Fixed vending; site specific locations (six)" as follows:

ARTICLE II. HAWKERS AND PEDDLERS

Sec. 11-2. License/permit required.

No vendor shall sell goods, wares, merchandise or services, as prohibited by M.G.L. c. 101, § 16. No vendor shall sell goods, wares, merchandise or services unless duly licensed by the director of standards of the commonwealth and/or permitted by the city licensing commission except for those articles permitted to be sold without a license under M.G.L., c. 101, § 17.

Sec. 11-3. Local license/permit requirement for fixed vending locations; procedure to obtain.

- (a) Anyone either principal or agent that sells from a fixed location and not licensed or required to be licensed under the definition in M.G.L. c. 101 as a transient vendor or hawker and peddler must first procure a permit from the local licensing authority for the sale of goods, wares, or merchandise allowed to be sold under the provisions of M.G.L. c. 101, § 16. A local permit is required for vendor holding only a state license.
- (b) Applicants for a fixed location permit for those areas established by this chapter within the city, shall follow the sealed bid procedure, as outlined in subsection (c) of this section. The cost for such permit shall be not less than \$200.00 annually with no maximum, established by the city council. Permits will be issued for up to ~~six~~ **nine** specific locations throughout the city, as approved by the city council. The city council shall have the right to adopt and implement further lawful regulations and restrictions consistent with this article.

(1) Prior to bidding for a fixed location, a vendor shall be required to provide proof of valid, current hawkers and peddlers license and proof that they are a disabled veteran, **if applicable**, as defined in section 11-1.

(2) Vendors shall disclose general scope of sales.

(3) Vendors with a fixed location permit shall be onsite no later than July 4 and open for business for a minimum of 21 days for the period between May 15 and Sept 15.

(4) Failure to comply with the July 4 or 21-day minimum requirements shall cause the individual, firm or corporation's permit to be revoked and be disqualified from applying for a fixed vendor location for the following two years.

(5) In the event of prolonged, unseasonable, inclement weather or other unforeseen circumstance a fixed location permittee may appeal to the Licensing Commission for an exemption from the July 4 and/or 21-day requirements.

Approved permits and assigned locations shall be chosen by sealed bid procedure by the city's purchasing department on or before the first business day in February, 9:00 a.m., of each year.

- (c) Sealed bid procedure will be as follows: Sealed bids will be submitted to the city's purchasing department following public notice and from the first secular day in January to the last business day in January, each year. Further, all bids received to be opened by the purchasing department, will be accompanied by a certified or cashier's check in the amount of the bid, payable to the city. Unsuccessful bidders' checks will be returned immediately following the bid opening. The sealed bid will be date and time stamped in the purchasing department. The purchasing department will open the sealed bids and if there is a tie between two or more vendors on the bid amount, then the bidder/vendor who is a disabled veteran shall be given preference over all other bidders provided they meet all other bid requirements. **If there is a tie between two or more disabled veterans or there is a tie where there are no disabled veterans, the high bidders may resubmit a sealed bid within two business days.**

Sec. 11-4. - Identification required.

All fixed vendors operating within the city shall be required to prominently display a laminated permit, obtained from the office of the city clerk, which provides the name and address of, and bears a recent photograph of permittee.

Sec. 11-5. - Fixed vending; site specific locations ~~(six)~~ (nine)

(a) The following are specific locations for vending:

- (1) *Washington Street*. Ten feet north from its intersection with Poplar Street.
- (2) *Washington Street*. Water side at Plum Cove Beach
- (3) *Western Avenue*. Water side between the intersection with Middle Street and the Public Landing east of Middle Street, site.
- (4) Reserved.
- (5) Visitor's center parking lot, Stage Fort Park.
- (6) *Rogers Street*. In front of the Fitz H. Lane parking lot and at the southwest corner of the east entrance to Harbor Loop.
- (7) Reserved.
- (8) Reserved.
- (9) *Rogers Street*. Twenty-five feet from its intersection with Harbor Loop at the southwest corner of the west entrance to Harbor Loop.

(b) Should a fixed vendor location established under this section be located in an area designated as a no parking area, pursuant to [chapter 22](#), the no parking prohibition shall not apply to the fixed vendor location.

MOTION: On a motion by Councilor O'Hara, seconded by Councilor Margiotta, the Ordinances & Administration Committee voted by ROLL CALL 3 in favor, 0 opposed, to adjourn the meeting at 6:44 p.m.

Submitted by Sherry White, Clerk of Committees

Documents submitted at the meeting: None.

Meeting Recording: <http://gloucester-ma.gov/1097/Past-Remote-Public-Meetings>