

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration Committee
Monday, November 14, 2011 – 7:00 p.m.
1st Fl. Council Committee Rm. – City Hall
-MINUTES-

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Anne Mulcahey; Councilor Bruce Tobey
Absent: None
Also Present: Councilor Verga; Council President Hardy; Linda T. Lowe; Council Elect LeBlanc; Maggie Rosa

The meeting was called to order at 7:01 p.m. There was a quorum of the City Council.

1. Old Business:

- A) Charter Task Force Review: Motion to be reviewed and recommended by the O&A Committee back to City Council from Special City Council Meeting of 10/11/11

Councilor Tobey thought strictly speaking that Councilor Whynott was correct in his assumption of the simple majority. **Linda T. Lowe**, City Clerk stated this language has been in the Charter for decades in Sec. 2-5(a). This was reviewed 10 years ago and was in the original charter. Councilor Tobey stated the drafters of the charter intended it would be five votes. **Ms. Lowe** stated it is safe to assume the first two times, and in 1987 and reviewed in 2000 and now it was the intent. **Council President Hardy** and **Councilor Theken** asked that a clean copy of the City Charter be available to the Council and that Tony Gross be notified that Sec. 2-9 on Council subcommittees will be taken up by the City Council the following evening. **Councilor Hardy** thought the Council should amend 2-1(c) and asked if there was time to discuss the matter of the inauguration being on a “secular” day. It is January 1st and the notion of the use of “secular” can be an issue for some people. **Councilor Tobey** noted on several occasions in the last 25 years when January 1st was a Sunday, and that the inauguration was on January 2nd; and that it was fine, to him, to leave it as is. **Council President Hardy** noted the first has fallen on Sundays off and on and though the definition has changed over the years. **Ms. Lowe** agreed with Council President Hardy and that the word doesn’t mean religious or not. If it is left in they can have the inauguration they could have it on a Sunday and if not, they still could have the inauguration on a Sunday.

MOTION: On motion by Councilor Tobey, seconded by Councilor Mulcahey, the Ordinances & Administration Committee 3 voted in favor, 0 opposed, to recommend to the City Council to AMEND the Gloucester City Home Rule Charter to clarify language contained in Sec. 2-9 Council Standing Committees (a) into three subsections as follows:

(a) Designation of Committees – There shall be three standing committees of the city council:

- (i) A committee on Budget and Finance, to which may be referred by a simple majority vote of the full city council every matter which would involve an expenditure by the city.**
 - (ii) A committee on Ordinances and Administration, to which may be referred by a simple majority vote of the full city council every matter which in the form of adoption is categorized an “ordinance” or the effect of which is more than temporary significance, all matters the effect of which would be to alter the administrative structure of the city government and which shall have general oversight of the department of the city clerk.**
 - (iii) A committee on Planning and Development, to which may be referred by a simple majority vote of the full city council all matters which affect land use, planning, zoning and other development of the city.**
- B) Memorandum from CAO re: establishment of the Emergency Management Department (Cont’d from 09/19/11)

This matter is continued until a new Fire Chief is appointed by the City Mayor and City Council.

2. Continued Business:

A) CC2011-043 (Tobey) Generate Request for Proposals seeking non-profit cultural partner re: City Hall

Councilor Tobey shared with the Council a community in VT had an old building much like this building, but a church. The expense and maintenance and viability long term were a concern. In that case, a partnership was formed with a cultural institution. They established a tenancy and created added cash flow to maintain and operate the building. He felt City Hall, in looking at Kyrouz Auditorium and events held there over the years by the City and by cultural institutions, the room can be special in what it brings to the community. There may be a way to enhance the downtown by growing the role of City Hall as a seat of government but also as a cultural contributor. He hoped to set up a working committee and noted the presence of Maggie Rosa, member of the City Hall Restoration Commission. He suggested getting a few Councilors, the Purchasing Agent, General Counsel, the CAO, for instance, and start talking how to engage the notion to see if it goes anywhere. **Councilor Theken** clarified whether the Councilor would like to set up an ad hoc committee to explore this option to ask the Mayor to name some folks to work with the Council and the Committee to come back to O&A for a recommendation. **Councilor Tobey** wished this to stay a Council effort; and therefore, a Council committee. **Ms. Rosa** stated the City Hall Restoration Commission is only involved to restore the exterior of the building and does not to have any jurisdiction over its use. To that effect the Commission has no say in this matter. She also commented about the expansion of use of the building for cultural purposes. She felt something had changed within the City in terms of charging organizations to use the building. An example is the Middle Street Walk. That volunteer group is now being asked to provide some insurance to use City Hall yet they haven't been asked to do so before. She didn't know who that group was dealing with in the City organizational structure for sure nor was she sure where that fell within the Council's jurisdiction. **Councilor Tobey** suggested the Committee could assist Ms. Rosa in looking into that matter and the Committee would await an email from Ms. Rosa to move forward with that assistance. **Councilor Theken** expressed concern if they do take on a cultural partner, and it is figured out, what is the overall concept. As taxpayers do they do the restoration and some organization would use the building; there remain many questions. **Councilor Tobey** thought they could reach out to the preservation organizations to find out how they structured their partnerships for models to work from. The ad hoc committee would be on a fact finding "mission". **Councilor Theken** also wished for folks to be asked from the Cultural Council to be involved. The Committee agreed they would ask the Mayor to recommend to the O&A Committee citizens who would be interested in being a part of this exploration.

This matter is continued to December 5, 2011. A request to the Mayor for her recommendations on people to sit on the ad hoc committee is to be forwarded.

B) CC2011-044 (Verga) Amend GZO §1.5.3, §1.11 and §1.11.2(e), "Appendix A, Rule 25: Rules of Procedure: Special Permit Procedures" – Part I and Part II

Councilor Verga stated that P&D voted on this matter. They reached a consensus to vote in favor of the order as written. Whether it is a small or large project, they don't need 11 copies and do not need multiple large copies of locus plans. They could use a projection unit for Kyrouz Auditorium so they could view these applications and plans which would be a sound investment. **Councilor Verga** asked that the City Clerk explore the cost of installing such a system for the auditorium. This would be mounted in a permanent fashion. **Councilor Theken** agreed a projection system for these digital submissions would be useful for other boards and commissions, not just the Council. She also wished to make sure that if the computer system crashed and that the iPads did as well, that they had paper copies as their backup. Ms. Lowe assured her that would be the case. The Committee indicated their agreement to the proposal as voted by the P&D Committee and the recommendation of the Planning Board and then voted as below.

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 pursuant to MGL c. 40A, §5 and Gloucester Zoning Ordinance Sec. 1.11 and Sec. 1.11.2(e) by DELETING in Sec. 1.5.3(a) references to "11 copies thereof"; and Sec. 1.5.3(b) "five (5) full size sets and eleven (11) 11" x17" sets" and Sec. 1.5.3 (c) "five (5) full size sets and eleven (11) 11" x 17" sets of"; and ADDING "one original and one copy thereof providing that the applicant also provides the application and all required submissions in digital form. Digital submission is strongly preferred, otherwise eleven (11) 11" x 17" (11x17

inches) and five (5) copies 2' 3' (2 feet x 3 feet) must be provided"; and by AMENDING Gloucester Zoning Ordinance "Appendix A – Rule 25: Rules of Procedure Special Permit Procedures" – Part I and Part II to be consistent with Sec. 1.5.3 as amended.

C) Discussion of Distribution of Water: payment of costs by special assessment (Cont'd from 08/01/11)

This matter is continued to December 5, 2011.

3. CC2011-053 (Verga/Tobey) Establishment of City Ordinance re: Securing and Maintaining Vacant Properties and Properties in the Process of Foreclosure

Councilor Verga explained to the Committee that this order came forward from him and Councilor Tobey because in his professional capacity in real estate, he is seeing more abandoned properties which in turn drag down neighborhood property values and are a fire hazard. There were things he hadn't thought of that the Fire Department has to deal with; and now wishes to make some changes in the ordinances to be more proactive.. As an example, there is one property on Harvard Street that is concerning. **Councilor Mulcahey** stated they've been working for a year and a half on an abandoned property on Columbia Street. She explained Mr. Sanborn; the Building Inspector told her it took a year to just to find the owner. The City did board it all up. In January 2011 the police took three homeless people out of that building. Other incidents have happened since then. She received word that the matter will be going to court. **Councilor Verga** stated with the bank owned properties; there is some "teeth" there. Some communities send the DPW to go in and cut the grass, etc.; then the City puts a lien on the property. They need to have some kind of ordinance from this committee and the B&F Committee would have to set the penalty fees. **Councilor Theken** noted the Worcester ordinance (on file in packet) which Ms. Lowe located for Councilor Verga. Ms. Lowe stated in her research, she and Councilor Verga realized that in 2008 there was an abandoned building ordinance passed by the City Council. She suggested the Committee should look at Worcester's example and borrow from it, and use it to amend the Gloucester ordinance by adding additional processes. **Councilor Tobey** suggested they look at Cleveland, OH who have had huge issues and set some trends. **Councilor Theken** asked about tax foreclosure and discussed it with Ms. Lowe. **Councilor Tobey** pointed out it takes many years to go through the statutory process to get to tax foreclosure. **Councilor Theken** asked that the B&F Committee chair look at the suggested fees that would be put into place with any ordinance change generated by this examination of the City's ordinance on abandoned buildings.

This matter is continued to December 5, 2011.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.