

CITY COUNCIL STANDING COMMITTEE

Ordinances & Administration

Monday, August 6, 2012 – 6:00 p.m.

1st Fl. Council Conference Rm. – City Hall**-Minutes-**

Present: Chair, Councilor Sefatia Theken; Vice Chair, Councilor Robert Whycott; Councilor Steven LeBlanc, Jr.

Absent: None.

Also Attending: Councilor Verga; Councilor Cox; Councilor McGeary; Linda T. Lowe; Jim Duggan; Larry Ingersoll

The meeting was called to order at 6:05 p.m. Items were taken out of order. There was a quorum of the City Council

1. Continued Business:

- A) Addendum to Mayor's Report for the May 22, 2012 City Council Meeting re: Mayor's decision to allow remote participation by the City Council and the City Council Standing Committees (Cont'd from 6/18/12)

Councilor Verga opened the Committee discussion stating his belief there should be suspension of remote participation by Councilors until the technology is confirmed and the rules adopted. He asked for a consensus on limits as to how the remote participation may be used by Council members and other criteria should be examined carefully.

Linda T. Lowe, City Clerk gave an overview to the Committee of her memo submitted and on file in the agenda packet which reviewed the process for remote participation policies for the towns of Westwood, Marshfield and Ipswich as examples of communities which have implemented a policy for remote participation. Some main points were:

- Much of the restrictions for remote participation exist in the Attorney General's rules. They can be expanded upon but cannot contradict it.
- Those towns who have implemented a remote participation policy have forms that are used for selectmen/councilors to make the request to participate remotely so there is a record of the request. This also gives the person running the meeting the right to permit or reject the request.
- Technology in Kyrouz Auditorium will need to be updated. Councilor McGeary is working with the IT Director, John Blanchard to create better pathways for remote participation. A conference phone has already been obtained. Ideally, there should be a laptop which can connect to a projector so that the image of the remote participant can be viewed onto a screen. It is felt this is a more reliable form of communication. Teleconferencing should be used as a last resort.

Councilor Verga offered the following points:

- There should be suspension of remote participation by Councilors until the technology is confirmed and the rules adopted. He asked for a consensus on limits as to how the remote participation may be used by Council members and other criteria should be examined carefully.
- There has to be a tight limit on how many times they're going to try to make the connection for the remote participation within a meeting.
- There should be a limit as to how many times per Council term that a Councilor may participate remotely in a Council meeting.

Councilor McGeary offered:

- It should be made clear that until the technology is available the Council should remain skeptical.
- As to the form utilized for requests for remote participation, the request is in the hands of the Council President, and that the permission to participate remotely can be made subject to appeal by the Council. As long as it is in the Council's Rules of Procedures this would be allowable.

Councilor Cox spoke to the technical issues:

- The audio and video feeds are deficient throughout Kyrouz Auditorium and urged they work with CATV to improve the output for the viewing audience overall. The technological improvements that will have to be made for remote participation would be a step forward in an overall plan.
- **Ms. Lowe** noted Councilor Hardy would like to see this tied to an overall audio/visual/IT improvement to the auditorium, including CATV equipment.

Councilor Theken expressed her concern regarding remote participation:

- The Councilor did not wish to give the full power to the Council President to make the determination as to who can participate remotely and agreed there should be an appeal available by the Council on such decisions.

This matter is continued to August 20, 2012.

- C) CC2012-032 (Whynott) City Council request to State for permission to allow 30 minute parking in front of the WWII Memorial (Cont'd from June 18, 2012)

Councilor Whynott stated with respect to the Traffic Commission Report, he wished to go forward with a modified request to MassDOT for two parking spaces in front of the memorial. He spoke to the Traffic Commission's lack of endorsement to move forward by stating that in the summer spaces along the Boulevard are filled with beach parking preventing those who want to visit the WWII memorial from parking nearby. As for enforcement, people will obey the law as a rule. If other interest groups regarding memorials want to do the same thing; he had no issue with that. It made sense for people to be able to visit the memorial for a brief matter of time. In the wintertime parking is not an issue. He was open also to amending parking from May to September.

Larry Ingersoll of the Traffic Commission spoke to the Commission not endorsing the request for parking in front of the WWII memorial. Their biggest concern was taking away two spaces of public parking; for each memorial, Fisherman's Memorial and the Fishermen Wives Memorial, the Vietnam Memorial; all these groups would ask for spaces and take away more public parking. **Councilor Verga** offered Western Avenue was a State road and the State would have to give their permission. Since there is currently no parking on Essex Avenue, asking for permission to place public parking on the Essex Avenue side of the triangle may be more appropriate, and it is just as close. He suggested they should include this in a request to MassDOT as well. **Councilor Theken** agreed with Councilor Verga to ask for parking on Essex Avenue for temporary parking. It is wider; and safer, and could possibly put three spaces there. **Councilor Cox** noted there is no sidewalk. It is flat ground. To keep cost down, they should move ahead to ask for three spaces on Essex Avenue and put the 30 minute parking for the memorial where the sidewalk already exists. **Mr. Ingersoll** pointed out there are signs posted on Essex Avenue that say "No Parking" further down by the treatment plant.

Michael Linquata, 3 Lowe Drive, a WWII veteran and founder of the WWII Memorial Committee submitted a document regarding the WWII memorial symbolism (placed on file). He expressed his feelings regarding WWII to the Committee and for the 72,000 servicemen still not accounted for from that war and indicated Gloucester paid a high price as a community with 5,665 veterans that were in the service from Gloucester, 22% of the population at that time. He recounted the history of sacrifice; and that this memorial is a symbol of respect for servicemen who gave so much to their community and country. He and his fellow veterans believe several parking spaces dedicated at the memorial will give the families of these veterans, or any citizens for that matter, the opportunity to view the memorial. **George Belezos**, 16 Traverse Street expressed he found a great pleasure to see families who come to visit the area of the WWII memorial; but that many folks who park there are then taking their belongings into Stage Fort Park for the day tying up parking from early in the morning to late in the evening and avoiding paying for the City parking lot. He stated that they might consider limiting the parking time as they are getting a "free ride". **Councilor Whynott** expressed he understood the Traffic Commission's concerns and the possible "domino" effect. He wants to ask the State for the spaces in front of the memorial. The Committee agreed they would not only ask the Council to endorse a request to MassDOT for permission for two 30-minute parking spaces plus one handicap space in front of the WWII memorial but also to ask if parking can be authorized on the westerly side of Essex Avenue to further accommodate visitors to the memorial.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that a letter be sent by the City Clerk to the MassDOT requesting permission to allow two 30-minute parking spaces, plus one handicapped parking space in front of the WWII Memorial on McKinnon Triangle at Kent Circle on Western Avenue.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that a letter be sent to the MassDOT asking that parking can be authorized on the westerly side of Essex Avenue from Kent Circle to Western Avenue.

- D) CC2012-036 (LeBlanc) Amend GCO c. 22, Sec. 22-274 "Two-hour parking between certain hours- Generally" re: Washington Street (Cont'd from 07/16/12) **TBC 09/17/12**

Councilor LeBlanc asked to withdraw this order. Upon further investigation, he found that more folks in the neighborhood were against rather than for this change to the Code of Ordinances. Upon further investigation the Councilor found that there were not as many cars parked in the area for commuters as previously thought.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that CC2012-036 be withdrawn from consideration.

- E) CC2012-037 (Verga) Amend GCO c. 22, Sec. 22-287 "Disabled veteran, handicapped parking" re: Ocean Avenue #2 (Cont'd from 07/16/12) **TBC 09/17/12**

This matter is continued to September 17, 2012.

- F) CC2012-038 (McGeary) Amend GCO c. 2-218 "Deposit of coin required; overtime parking; exemption, Sec. 22-191 "Off-Street parking fees established" and Sec. 22-288 "Off-street parking areas (Cont'd from 07/16/12)

Councilor Theken referred to an email received from Councilor Tobey asking if they are allowed to put parking kiosks on I4-C2 and start charging for parking without an ordinance amendment in place.

Jim Duggan, CAO explained they are not amending the ordinance at all; rather, they are amending the rules of the DPW who oversees this property. The reason it is not associated with an ordinance is because it is going to be temporary parking. When the City received the Seaport Advisory Council grant, there were two stipulations regarding the long-term use of I4-C2: 1) That it not to be a parking lot; 2) that it not be a pocket park. They wished to amend the existing DPW regulations which he felt didn't require the attention of the O&A Committee; but just that of the temporary parking. As to Councilor Tobey's question whether it is appropriate or fair to be permitting only the use of a credit card for 10- hour meters/parking devices. The reason for that is for every transaction that takes places with a credit card, there is a 26 to a 30 cent per transaction cost. If parking for an hour, the charge is 50 cents, 28 cents of that charge goes to the credit card company. It is a flat fee not a percentage. The flat fee is dependent on the credit card used. In order to make the least financial impact as possible that is why they are only doing credit cards for long-term 10-hour parking lots/areas. **Councilor Whynott** expressed his understanding that all DPW regulations must come before the Council for approval, like the beach regulations, for instance. **Ms. Lowe** stated Sec. 7-16 of the City Charter states that DPW rules and regulations must go before the Council. **Councilor Verga** did not wish to slow the matter down. There is no problem for those areas that already have meters. **Councilor McGeary** did not realize the Administration was going to come at the situation from a regulatory standpoint. There are before the Committee this evening ordinance changes that would include 65 Rogers Street as a parking lot. **Ms. Lowe** pointed out while they could use the stipulation of not making I4-C2 as a permanent parking lot, which **Mr. Duggan** confirmed; **Ms. Lowe** suggested a "sunset clause" with an end date on the ordinance amendments. This suggestion was amenable to the Committee and Mr. Duggan. There was a discussion as to the safety issues at I4-C2 and incidents which compromised public safety that had taken place at I4-C2 over parking during large City events, and daily use of the parcel for parking. **Councilor McGeary** suggested an emergency preamble to solve that issue. The ordinance changes were drafted to move forward the installation of the parking kiosks. **Councilor Cox** would move the preamble forward under the issue of public safety, in particular because of what she witnessed during the most recent downtown Block Party. **Councilor Theken** expressed her agreement, and that it was not just during Block Parties, but at other times as well.

Discussion then centered on the ordinance amendments proposed by Councilor McGeary and how they would change the language throughout the Code of Ordinances and with Ms. Lowe's help it was determined they can add an amendment to the GCO Sec. 22-1 "Definitions" to include the term "Parking Control Device" so that wherever

the term “parking meters” and “coins” appear it would mean parking control device and other forms of payment as well. Councilor Whynott expressed this would work well.

The Committee and the other Councilors present discussed putting forward an emergency preamble at the August 14th Council meeting due to safety issues at I4-C2 surrounding parking. **Councilor Cox** gave further examples of the safety issues regarding I4-C2 parking and wanted to see this move forward. On inquiry by **Councilors Verga and Cox, Mr. Duggan** confirmed the kiosks can be moved/relocated; the installations are not permanent. They will examine how lines delineating parking spaces will be placed. He has to follow up with the DPW Director. He also explained that one kiosk can be programmed to fit an entire parking lot. **Ms. Lowe** stated under the Code of Ordinances, Chapter 22 there has to be a plan and drawing which shows with these parking spaces and where they are located as well. **Mr. Duggan** confirmed for **Councilor LeBlanc** the fishermen parking will not be disturbed; they will still have clear access to the front.

MOTION: On motion by Councilor Whynott, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the GCO Chapter 22, Sec. 22-1 Definitions by ADDING a new definition as follows:

“Parking Control Device” shall mean any mechanism for collecting payment for parking and shall also include parking meters. Where “parking meters” and “coins” appear in the ordinances, it shall also mean parking control devices and other forms of payment;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor LeBlanc seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the GCO Chapter 22, Division 2. City-Owned Off-Street Parking Areas, Sec. 22-191 (Established) by DELETING: “There are hereby established six off-street parking areas within the city, which are designated in Sec. 22-288”; and ADDING: “There are hereby established seven off-street parking areas within the city, which are designated in Sec. 22-288; “AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the GCO Chapter 22, Sec. 22-288 (Off-street parking areas) by ADDING: “65 Rogers Street Parking Lot (Assessors Map #9, Lot #1), containing 115 parking spaces, including five handicapped parking spaces. There shall be a ten (10) hour limit between the hours of 8:00 a.m. to 6:00 p.m. Vehicles violating the hours of operation will be ticketed and towed. This parking lot shall be in effect for no longer than five years from August 15, 2012;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND the GCO Chapter 22, Sec. 22-290 (Same-Off-street parking areas) by ADDING: “65 Rogers Street Parking lot, ten-hour limit public parking, spaces one through 115” ; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

G) CC2012-022 (Tobey) Amend GCO Sec. 22-289 re: Main Street Parking Meter Time Limits (Cont’d from 07/16/12)

Councilor Theken noted this proposal by Councilor Tobey is just for downtown, not for other areas of the City, and to be done on a trial basis.

Sally Gossom 11 Ferry Street an employee who works as a hairdresser on Main Street in Brown’s Mall told the Committee she has elderly customers who don’t have handicapped plates, and are ineligible for them, who have services in their establishment that are more than two hours long. They need to be able to park longer than two hours. Other services they offer take even longer than that. The two hour limit is hurting her business. She didn’t know how to protect her clients who want to use her services, but also continue to shop on Main Street. Two hour parking on Main Street is unrealistic, she said, especially for the elderly who are over 50 percent of her clientele.

Ms. Lowe pointed out this anti-shuffling amendment is being rewritten from the previously adopted anti-shuffling amendment, but will remain in the ordinances with Councilor Tobey’s proposal.

Councilor Discussion:

Councilor Theken stated when this was last before the Council other store owners came forward in support of the anti-shuffling ordinance. The Council created more senior parking on Manuel F. Lewis Street which constitutes six

spaces and is nearby. **Councilor Cox** understood there is no guarantee for parking spaces. But salons do have services more than two hours. She endorsed an expansion to a three hour parking time limit. **Councilor Verga** pointed out they can't get rid of the meters without keeping the anti-shuffling ordinance. **Councilor Whynott** was against Councilor Tobey's proposed ordinance changes, not even on a trial basis. There used to be free parking during the Christmas holidays and that was rejected by the store owners and Chamber of Commerce. **Councilor LeBlanc** also expressed his agreement with a three hour time limit as did **Councilor McGeary**. **Councilor Whynott** suggested there should not be three hours through all of Main Street, reminding the Councilors they are considering a 15 minute Main Street area; but **Councilors Theken** and **LeBlanc** disagreed reiterating their endorsement of a three hour time limit. **Councilor Verga** suggested they could consider doing the three hour time limit on a trial basis also. **Councilor Theken** pointed out she has not heard any complaints regarding the two hour parking limit on Main Street other than from Ms. Gossom to date. **Councilor McGeary** noted this is for the right to stay up to three hours. People will stay as long as they need within that framework. If the Council should enact an increase to a three hour parking limit, the shuffling ordinance needs to be in place and enforced. **Councilor Theken** noted meter money pays for many things that the City does need, including the upkeep and beautification of the downtown. Losing the meter income would compromise City budgets. **Councilor Cox** stated she would put in a Council Order to amend the ordinance for a three hour parking limit on Main Street.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 0 in favor, 3 opposed to recommend to the City Council to AMEND the GCO Sec. 22-289 (Parking Meter Zones-On Street) by DELETING "Main Street" and ADDING: "Free Parking from the intersection of Main and Spring Streets to the intersection of Main and Washington Streets with a two hour time limit"; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 0 in favor, 3 opposed to recommend to the City Council to AMEND the GCO Sec. 22-220 (Deposit to Extend Parking time) by DELETING subsection (c) "Shuffling" and ADDING GCO Sec. 22-220 (Deposit to Extend Parking time) a new subsection (c) "Shuffling" on a trial basis to run from November 1, 2012 to April 1, 2013 as follows:

"Overtime Parking and Shuffling or Relocating Vehicles to Avoid Penalties: When signs are erected in each block giving notice thereof, no person shall park a vehicle upon any of the streets or parts of the streets described in Section 22-289 for a longer period than so specified in that Section. No person shall relocate or move a vehicle in order to avoid a violation of the parking time limit. The following action shall be considered prima facie evidence of such prohibited conduct when observed by a law, or parking enforcement officer: when a person moves or relocates a vehicle which has been parked less than the posted time limit form a time limited parking space and then returns to the same parking space or moves to a parking space within 500 feet of that same parking space, as measured along the street, within five minutes of the time that the initial parking space was vacated. Such shuffling or relocating shall constitute overtime parking for the purposes of this section. Overtime parking is a violation of this ordinance, and shall be subject to the fines set forth in this Section"; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. CC2012-041 (Cox/Whynott) Amend GCO Chapter 22, Sec. 22-280 "Fifteen Minute Parking" re: 242 Main Street **TBC 09/17/12**

This matter is continued to September 17, 2012.

A motion was made, seconded and voted unanimously to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

**Dana C. Jorgensson
Clerk of Committees**

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- "WWII Memorial: Symbolism" submitted by Michael Linquata