

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, September 17, 2012 – 6:00 p.m.
1st Fl. Council Conference Rm. – City Hall
-Minutes-

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

Absent: None.

Also Attending: Councilor Ciolino; Councilor Cox; Councilor Verga; Councilor McGeary; Mayor Kirk; Linda T. Lowe; Leonard Campanello; Richard Barbato; Jim Duggan

The meeting was called to order at 6:00 p.m. Items were taken out of order. There was a quorum of the City Council.

1. Continued Business:

- A) CC2012-039 (Hardy/Tobey/Theken/Cox/LeBlanc) Amend GCO Chapter 8, Art. II Fire Department, Sections 8-16, 8-17 & 8-18 (Cont'd from 07/16/12)

This matter was continued to October 1, 2012.

- B) CC2012-037 (Verga) Amend GCO c. 22, Sec. 22-287 “Disabled veteran, handicapped parking” re: Ocean Avenue #2 (Cont'd from 08/06/12)

Councilor Verga explained that the Traffic Commission voted 2-1 in support of the creation of this handicapped space. The requestor lives in the condos on Ocean Avenue; and there is not adequate handicapped parking available in that condominium complex.

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 to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one handicapped parking space on the southerly side of Ocean Avenue at a point beginning 200’ from Flume Road for a distance of 22’ in a westerly direction in front of Ocean Avenue #2; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- C) CC2012-041 (Cox/Whynott) Amend GCO Chapter 22, Sec. 22-280 “Fifteen Minute Parking” re: 242 Main Street (Cont'd from 08/06/12)

Councilor Whynott explained the Traffic Commission at their last meeting did not recommend this order for 15 minute parking in front of 242 Main Street, but he urged his fellow Committee members to vote in favor of this change to the ordinance. He noted there are several 15 minute parking spaces along Main Street and nearby streets to accommodate various businesses in the City. He did not agree that it was “unenforceable.” Most citizens do respect the law.

Councilor Theken while agreeing with Councilor Whynott expressed her understanding of the enforcement issue from the Traffic Commission’s perspective. **Councilor Verga** noted the creation of the 15 minute space at this location would be beneficial to other businesses there. **Councilor Cox**, co-author of the Council Order commented she had spoken to several other businesses in the immediate area, and they did not have a problem with this change.

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 to AMEND GCO Sec. 22-280 (Fifteen Minute Parking) by ADDING: “in front of 242 Main Street on the northerly side of Main Street for a distance of 22 feet, 9:00 a.m. to 6:00 p.m. Monday through Saturday;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

- D) CC2012-044 (McGeary) Amend GCO Sec. 22-287 “Disabled Veteran, handicapped parking” re: ADDING One space at Harrison Avenue #2 (Cont'd from 08/20/12)

Councilor McGeary noted the Traffic Commission approved this order and that the requestor was present this evening to answer any questions from the Committee. **Councilor Theken** pointed out that a handicapped parking space was for the use of any person with a handicap placard/license plate as are all handicapped spaces throughout the City. **Councilor Whynott** asked whether this person lived on the first floor and was informed they did.

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 to AMEND GCO Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one handicapped parking space in front of Harrison Avenue #2; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. *New Appointment:* *Gloucester Cultural Council* TTE 02/14/15 *Mary Rhinelander McCarl*
Director of Veterans' Services/Veterans Agent TTE 02/14/14 *Richard E. Barbato*
Chief of Gloucester Police Department TTE 09/30/15 *Leonard Campanello*

The Committee reviewed Ms. McCall's qualifications and hearing of her desire to commit to this additional volunteer position with the City. **Ms. McCarl** commented that her main concern has been with the City Hall Restoration Commission, and is a member of it, TTE 02/14/13. **Councilor Theken** checked as to whether the appointment would comply with City Charter Sec. 2-10(b) which provides that no appointee may serve on one or more than one board, committee or commission "unless said board, committee or commission is interrelated." It was agreed that the Cultural Council and the City Hall Restoration are interrelated. **Ms. McCarl** stated she looked forward to working with various areas of the City's cultural life to support those entities. She has yet to attend meetings of the Cultural Council. **Councilors Theken, Whynott, Ciolino and McGeary** all voiced their appreciation for Ms. McCall's commitment to the City.

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 to appoint Mary Rhinelander McCarl to the Gloucester Cultural Council, TTE 02/14/15.

Mayor Carolyn Kirk put forward Richard Barbato as a distinguished United States military veteran, to be appointed as Director of Veterans' Services/Veterans' Agent (resume on file). She noted Mr. Barbato relocated to the area to take care of a family member. During this time back he volunteered his services with different veterans' organizations in the area and is very familiar with the operations and programs offered through the Office Veterans' Affairs. The Administration is fortunate to have him on staff. **Councilor Ciolino** endorsed Mr. Barbato's appointment having met him previously and understood he had good people skills which is important in this position. **Councilor Theken** expressed her expectation that Mr. Barbato would pursue grants for the City's veterans first before expending City funds and to work with local and State agencies first. **Attorney Mark Nestor**, a member of the interview committee stated Mr. Barbato is a fine candidate for appointment and has already done a great deal in the last three weeks on the job demonstrating his energy, enthusiasm and the Veterans' Council is behind his appointment 100 percent, calling Mr. Barbato a "breath of fresh air."

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 to appoint Richard E. Barbato as Director of Veterans' Services/Veterans Agent, TTE 02/14/14.

Mayor Kirk put forward the appointment of Leonard Campanello for Police Chief who is currently an Assistant Chief of Police for the City of Saugus. She noted there was an "exhaustive" search which started with over 40 candidates. The search committee did their due diligence, narrowing the pool of candidates to four which were presented to her office. Mr. Campanello performed exceedingly well in the assessment center testing; during the public interviews with the search committee and her interviews as well. His combination of municipal experience and performance through the assessment process, including the interviews, placed him as her first choice for the position of Police Chief. **Councilor Ciolino** expressed concern there is no longer a "beat cop" present in the downtown area; and hoped that the new Chief could put this into the Police Department's future budget. He also commented about skateboarders on Main Street and asked the ordinances prohibiting that activity be enforced. **Councilor Whynott** commented if there was a qualified candidate in the City, they should hire that person before looking to hire from the outside. If a candidate lives and works in the City, that should take precedence. He had, however, heard good things about Mr. Campanello and would support his appointment. **Councilor Theken** added

she had done her own research on Mr. Campanello and that through those inquiries she learned Mr. Campanello will need to be more of a “people” person; and will need to be frequently visible to the public in order to gain the their confidence, as well as that of the Council. She agreed with Councilor Ciolino that there needs to be a foot patrol in the downtown. On inquiry by **Councilor Ciolino** as to whether Mr. Campanello would move to the City, he informed them he lives in Ipswich and did not know if he would move to Gloucester. **Councilor Cox** added that she, too, was in favor of a foot patrol for the downtown area. She welcomed Mr. Campanello to the City as did **Councilor LeBlanc**. **Mayor Kirk** noted the swearing in would be sometime between September 26th and the 28th, should the Council confirm his appointment at their September 25th meeting.

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 to appoint Leonard Campanello permanent Police Chief for a contracted term of three (3) years, commencing September 30, 2012 through September 30, 2015, pursuant to Gloucester Code of Ordinances Chapter 17 Police, Article II. Police Department, Sec. 17-16(a) and City Charter Sections 3-3 and 2-10 and to the written contract on file with the City Council.

3. CC2012-048 (Whynott) Amend GCO Chapter 25, Article III, Division 1, Sec. 25-15, 25-57, Sec. 25-58(b)(c)(d)(e), Sec. 25-63 re: licensing taxicab operators

Councilor Whynott explained these amendments were written by Linda Lowe, City Clerk and reviewed and approved by him in order to update this ordinance. **Linda Lowe**, City Clerk stated this ordinance hasn't been amended since 1970 when CORI checks didn't even exist. She does the CORI checks for taxicab licensees. The current ordinance states the Police Chief is going to investigate the taxi driver's moral character, for instance. She set up with the current Police Chief that as the City Clerk does the CORI check, the majority come back “no CORI report”, meaning there is no issue, and a license is issued. If the report comes back with a report which indicates something inappropriate, say, a lengthy criminal record, she immediately forwards the CORI report to the Chief, he reviews it and gives her his professional opinion whether the license should be issued to that individual. With these amendments to the ordinance, it would modernize it and reflect the system that is now in place. She further indicated through discussion with Councilor Whynott that if there is any gray area regarding an individual, it is the call of the law enforcement professional to determine whether the license should be issued. She suggested that they could review these changes with the new Police Chief and see if he had any further suggestions for additional amendments to the ordinance based on his experience in a larger community.

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 to AMEND the GCO by ADDING a new definition “CORI” as follows: “CORI” shall mean an official report obtained from the Mass. Criminal Offender Record Information System and shall be a confidential report as required by State law. A CORI report received for the purposes of Chapter 25 shall not be disseminated beyond the authorized requestor and the City Police Chief or his designee;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

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 to AMEND GCO Sec. 25-57 by DELETING Sec. 25-57 in its entirety and ADDING new Sec. 25-57 as follows: “No license shall be issued under this division until the City Clerk, on behalf of the Licensing Commission, and as an authorized CORI representative, has requested and received as satisfactory State CORI report on the applicant. If there is any question as to whether the CORI report is satisfactory, the City Clerk shall refer the CORI to the Chief of Police or his designee for a determination of whether the CORI report is satisfactory. The decision of the Police Chief shall be final and shall determine if a license shall be approved or denied;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

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 to AMEND GCO Sections 25-58(b), 25-58(c), 25-58(d) and 25-58(e) DELETING Sections 25-58(b), 25-58(c), 25-58(d) and 25-58(e) in their entirety and ADDING NEW subsection 25-58(b) as follows: “No license shall be issued to the applicant who has been denied and that they may, within three (3) business days of such notice, request in

writing a hearing before the Licensing Commission, or otherwise the denial shall be final;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

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 to AMEND GCO Sec. 25-63 (Licensee's identification card) by DELETING in Sec. 25-63(b) the statement, "the City Manager, the inspector of motor vehicles;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

4. *CC2012-049(Tobey/Verga) Council review of matter of self-storage service facilities and determine whether they should be restricted or regulated (TBC until O&A Committee receives recommendation from P&D Committee)*

This matter returns to the O&A Agenda for their consideration upon receipt of a recommendation by the Planning & Development Committee.

5. *CC2012-050(Tobey) Request that City Council develops policy, rules or ordinance re: governing City Councilors Communications*

This matter is continued pending the results of a City Council Workshop to be held on September 18, 2012.

6. *CC2012-051(LeBlanc) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: Summer Street #44 (TBC 10/01/12)*

This matter is continued to October 1, 2012.

7. *CC2012-052(LeBlanc) Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: Lincoln Avenue (TBC 10/01/12)*

This matter is continued to October 1, 2012.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:39 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.