

CITY COUNCIL STANDING COMMITTEE

Ordinances & Administration

Monday, November 5, 2012 – 6:00 p.m.

1st Fl. Council Conference Rm. – City Hall

-Minutes-

**Present: Chair, Councilor Sefatia Theken; Councilor Steven LeBlanc, Jr.; Councilor Greg Verga, Alternate
Absent: Councilor Whynott**

**Also Present: Councilor Melissa Cox; Councilor Ciolino; Linda T. Lowe; Rebecca Bernie; Bill Bramhall;
Cate Banks; J. Ronald Ross; Patti Page; Dan Brown**

The meeting was called to order at 6:02 p.m. There was a quorum of the City Council. Items were taken out of order.

1. Continued Business (all matters continued from 10/15/12):

A) Reappointments: EDIC:	Rebecca Bernie	TTE 02/14/2015
	R. Billings Bramhall	TTE 02/14/2015
	Ellen Lufkin	TTE 02/14/2015
	J. Ronald Ross	TTE 02/14/2015
	Carolyn Stewart	TTE 02/14/2015
	Barry Pett	TTE 02/14/2015

Councilor Theken explained there were concerns and questions raised at the last meeting concerning several matters on the EDIC reappointments. Information was received from Rebecca Bernie, Chair of the EDIC, in answer to some of the questions raised by Councilor Hardy, as well as a memo General Counsel regarding two matters, one in particular related to the expiration of term. It was noted that Ellen Lufkin just after having her name put forward for reappointment resigned from the EDIC. **Rebecca Bernie**, Chair EDIC stated they will have to add two new members as those two members just resigned over the last several weeks. She had submitted information to Mayor Kirk with one suggestion. A proposal for new members will be put forward from the Administration. **Councilor Theken** asked Ms. Bernie to send a letter to Ab Khambaty thanking him for his years of service to the EDIC. She also asked that the EDIC forward a budget summary and their outline of plans for future action as well.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to reappoint the following individuals to the EDIC, TTE 07/01/15: Rebecca Bernie; R. Billings Bramhall; J. Ronald Ross; Carolyn Stewart; Barry Pett.

B) CC2012-052 (LeBlanc) Amend GCO Sec. 22-270 "Parking Prohibited at all Times" re: Lincoln Avenue

Councilor LeBlanc explained that at their last meeting, the Committee had decided to wait to vote on this Council Order, which the Traffic Commission had endorsed at their 9/27/12 meeting. The Commission made a further recommendation that a Council Order be submitted in order for a tow-away zone to be placed in the same place so that there could be enforcement behind the parking prohibited at all times. He had then submitted that Council Order for the tow away zone and that was forwarded to the Committee and is also on their agenda tonight.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND GCO Sec. 22-270 (Parking prohibited at all Times) BY ADDING Lincoln Avenue from its intersection with Blynman Avenue on the westerly side to a point across from #15 Lincoln Avenue; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND GCO Sec. 22-291 (Tow-away Zone) BY ADDING Lincoln Avenue from its intersection with Blynman Avenue on the westerly side to a point across from #15 Lincoln Avenue; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

C) CC2012-057(Cox/Ciolino) Amend GCO Sec. 22-270 "Parking Prohibited at all Times" and Sec. 22-291 "Two Away Zone" re: Rowe Square

Councilor Ciolino stated he was approached by Bruce Horne, Trucking Manager for Gorton's Inc., who with Americold and Cruiseport came to an agreement for the strip of roadway where there are always traffic cones to prevent vehicle parking on the easterly side of Rowe Square because the trucks can't make the turn when cars are parked on that side of the street, which in turn backs up traffic onto Main Street. The Traffic Commission also endorsed this Council Order to amend the Code of Ordinances.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND GCO Sec. 22-270 (Parking prohibited at all Times) BY ADDING Rowe Square, easterly (even numbered) side, from its intersection with Main Street in a southerly direction for its entire length; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND GCO Sec. 22-291 (Tow-away Zone) BY ADDING Rowe Square, easterly (even numbered) side, from its intersection with Main Street in a southerly direction for its entire length; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

D) CC2012-058(Cox) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: Pearl Street #13

Councilor Cox was present in support of her Council Order, CC2012-058, along with the requestor, The Traffic Commission had approved the creation of the new handicapped parking space in front of or across from Pearl Street but asked that the new placard be on file with the Council before action was taken, as the original placard submitted had expired. Dan Brown, requestor, submitted the new current handicapped placard to the Committee just prior to the meeting start of the meeting.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to AMEND GCO Sec. 22-287 (Disabled Veteran, handicapped parking) BY ADDING one (1) handicapped space in front of or across from Pearl Street #13; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.

2. *New Appointments:*

Capital Improvements Advisory Board TTE 02/14/15 Joan Kimberley

Councilor Theken questioned Ms. Kimberly as to why she wished to be on this board and had she submitted her certificate showing she had completed her State Ethics Quiz. **Ms. Kimberly** had submitted her certificate to the City Clerk, and then explained her experience was in industrial engineering, looking at returns on investment, evaluating equipment. She remains interested in doing that kind of research and is retired and has the time. She hoped they could make some recommendations to the Mayor based on facts. She was also on the Water Ad Hoc Advisory Committee; and when it moved from being Ad Hoc, she wished to move on. She understood by talking to the Mayor that the CIAB will be used more often and regularly as an advisory board for the City. **Councilor Theken** asked Ms. Kimberley to advise the Council if she felt the CIAB was not being used often enough for assessments and advice. She also expressed she was pleased Ms. Kimberley had come forward to volunteer. **Councilor Ciolino** also endorsed Ms. Kimberly's appointment to the CIAB.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Joan Kimberley to the Capital Improvements Advisory Board, TTE 02/14/15.

Historical Commission TTE 02/14/15 Robert Whitmarsh

Mr. Whitmarsh explained he is certified in historic preservation and is very interested in preserving the integrity of the City's historic neighborhoods and architecture. **Councilor Theken** noted there can be conflict because folks are afraid to come before the Commission if they need to make repairs to their homes. She asked that Mr. Whitmarsh

be understanding, broadminded and to help lead residents through the process which can be daunting, as there are those who are hard pressed to afford some of the changes. She wished to see more communication and to have the Commission develop a "handbook" for prospective applicants. **Councilors Verga** and **Ciolino** endorsed Mr. Whitmarsh's appointment to the Historical Commission.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Robert Whitmarsh to the Historical Commission, TTE 02/14/15.

3. CC2012-060 (LeBlanc) Amend GCO Sec. 22-291 "Tow-away zone" re: Lincoln Avenue

See Item #1 B.

4. Memorandum from Harbormaster re: Fee increases recommended by Waterways Board

Councilor Theken asked how the proposed 10A float fee increases compare to other communities. **Cate Banks**, Waterways Board member explained that Marblehead charges \$7 per linear foot; Danvers charges \$5 per linear foot; Rockport charges \$7 per linear foot. The City is doing it by square feet. They are proposing charging \$5 per square foot. That is the low end of the average of communities surrounding the City. **Councilor Verga** asked if those communities are doing linear feet, why Gloucester would charge by square feet. **Ms. Banks** was unable to answer that question for the Councilor. **Councilor Ciolino** noted that the configuration of the floats that was a fair way to charge the fees by square footage. The Waterways Board worked long and hard on these issues. The proposed fees are in line with surrounding communities. **Ms. Banks** added although they are not charging by linear foot, it works out to almost the same. **Councilor LeBlanc** asked if these fees were for private docks or marinas. **Ms. Banks** stated it is for every floating dock the Harbormaster's office issues 10A float permits. **Councilor LeBlanc** noted that for a 10x20 ft. float he would be charged \$100.00. If he were building a float, it would be 200 square feet. He would have to tell his builder to reduce the square footage to 199 to not pay a higher annual fee; although, he agreed with the fee structure. **Ms. Banks** stated at a one foot incremental difference then they would be paying a different rate. **Ms. Banks** restated that the Councilor was expressing that the linear foot part makes it easier to pro rate so they're only going up \$5 per linear feet. Their Operations and Finance Committee decided on the per foot breakdown for the fee structure. Whether they state it at 199 square feet or start the increment at 201 square feet for the next level of the fee structure, they are still dealing with one foot increments. She agreed that at a one foot incremental difference a person would pay \$50 more per year. For many years there was no fee charged for floating docks. But they were taking up space on the public water sheet which is supposed to be open to all on an equal basis. And therefore, a fee of \$50 was set, and has been that way for many years. A permit is needed to tie a dinghy at Cripple Cove on one of the dinghy docks. For a 10x20 foot float on up, not only do you get to take up a big piece of the water sheet but can tie up who knows how many boats. **Councilor Theken** commented that there were so many floats and moorings. Floats are so numerous in the Annisquam River it is almost impossible to gain access directly to the river. The Harbormaster has to patrol the water sheet; there is processing of the permits. Other communities have higher fees than Gloucester.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council AMEND GCO Chapter 10, Waterways Board, Sec. 10-51 (e) Fees by DELETING the last sentence, "Fees for 10A float permits shall be in the amount of \$50.00 per season;" AND ADDING a new last sentence, "Fee for 10A float permits shall be in the amount of one hundred dollars (\$100.00) per season for float sizes up to 199 square feet; one hundred and fifty dollars (\$150.00) for 200 square feet up to 299 square feet; two hundred dollars (\$200.00) for 300 square feet up to 399 square feet; two hundred and fifty dollars (\$250.00) for 400 square feet up to 499 feet; three hundred dollars (\$300.00) for 500 square feet up to 599 square feet; and three hundred and fifty dollars (\$350.00) for any float system greater than 600 square feet;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING UPON RECEIPT OF APPROVAL BY THE BUDGET & FINANCE COMMITTEE.

As to personal moorings, **Councilor LeBlanc** asked how many moorings the City had. **Ms. Banks** stated there were about 900. **Councilor LeBlanc** expressed this is not that great an increase. He would like to know about how much revenue would be generated through this proposed increase. **Councilor Theken** suggested that the

Waterways Board should bring forward at the B&F meeting the income received from the mooring fees for the last fiscal year. She noted the comparison in the agenda packet of other communities around Gloucester (on file) that they are going from \$4.00 per foot to \$6.00 per foot for residents; and \$6.00 per foot to \$8.00 per foot for non-residents. On inquiry by **Councilor Theken**, **Ms. Banks** noted they discern non-residents by the beach sticker parameters. The fees increases proposed are in the same "ballpark" as that of the surrounding communities. On inquiry by **Councilor LeBlanc**, **Ms. Banks** stated they are working on a re-gridding plan for the moorings in order that they can increase the City's mooring capacity. When that is completed, they will be starting with the inner harbor and work their way out and maximize the water sheet.

The Committee discussed also the anchoring of boats off of Wingersheek Beach where that situation is becoming a safety issue due to the large number of recreational boaters anchoring on a first-come-first-served basis for the day on the non-commercial side of the river. **Ms. Banks** commented that is something being discussed a lot and another reason to increase their revenue so that they can have more Assistant Harbormasters for more coverage on the river because that situation is becoming a safety issue. **Councilor Theken** and **Councilor LeBlanc** also agreed. **Ms. Banks** stated this was something that started out as something nice for locals but then word got out and it overtook an entire portion of the beach. **Patti Page**, Waterways Board member commented the land side is the Police Department's jurisdiction. The Harbormaster has no jurisdiction on dry land. **Councilor Theken** stated she understood the Harbormaster cannot be everywhere at once, nor can his staff; but she suggested moving forward she would like to see the Harbormaster working with the Police Department on this issue; that when a plan is in place to bring it to the Council. **Councilor Ciolino** commented that the Harbormaster will be looking to bring on another Assistant Harbormaster in order to have someone dedicated to the Annisquam River water sheet, and that these fee increases could perhaps help fund the expansion for the added oversight. **Ms. Banks** stated because the season is so short they can hire on a part-time basis.

MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to AMEND GCO Chapter 10, Waterways Board, Sec. 10-51 (e) Fees by DELETING the second sentence, "Fees for personal moorings shall be charged by length of vessel at the rate of four dollars (\$4.00) per foot for Gloucester residents and taxpayers and at a rate of six dollars (\$6.00) per foot for non-residents;" AND ADDING a new second sentence, "Fees for personal moorings shall be charged by length of vessel at the rate of six dollars (\$6.00) per foot for Gloucester residents and taxpayers and at a rate of eight dollars (\$8.00) per foot for non-residents;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING UPON RECEIPT OF APPROVAL BY THE BUDGET & FINANCE COMMITTEE.

5. *CC2012-061 (LeBlanc) Amend GCO 22-287 "Disabled Veteran, handicapped parking re: Granite Street #13*

This matter is continued to December 3, 2012.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:47 p.m.

Respectfully submitted,
Dana C. Jorgenson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING:

- Copy of new State of Massachusetts handicap placard re: CC2012-058(Cox) Amend GCO Sec. 22-287 "Disabled veteran, handicapped parking" re: Pearl Street #13
- State Ethics Exam certification submitted by Robert Whitmarsh