

## CITY COUNCIL STANDING COMMITTEE

**Ordinances & Administration**

Monday, December 3, 2012 – 6:00 p.m.

**1<sup>st</sup> 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 Hardy; Councilor Cox; Linda T. Lowe; Robert Ryan; Stephen Winslow; Heidi Wakeman****The meeting was called to order at 6:00 p.m. There was a quorum of the City Council.****1. Continued Business:**

- A) CC2012-061 (LeBlanc) Amend GCO 22-287 “Disabled Veteran, handicapped parking re: Granite Street #13

**Robert Ryan**, Traffic Commission Chair noted this matter was discussed at the 11/27/12 Commission meeting, and that there were four handicapped spaces on Granite Street at #9, #13, #19 and #27. In the case of the space at #13, it just needs a sign posted by the DPW.

**MOTION: On motion by Councilor LeBlanc, seconded by Councilor Verga, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to allow for the withdrawal of CC2012-061 (LeBlanc) Amend GCO 22-287 “Disabled Veteran, handicapped parking re: Granite Street #13.**

**2. New Appointments:**

Licensing Board                      Michael W. Lane                      TTE 05/31/2018

**Councilor Theken** welcomed the City’s former Police Chief, expressing she was pleased he was willing to step forward to volunteer for a position with the Licensing Board. She said it is a very appropriate appointment given his great background in law enforcement. As with all appointees, Councilor Theken asked had Mr. Lane completed his State Ethics quiz and submitted it to the City Clerk as well as to his familiarity with the State’s Open Meeting Law. **Mr. Lane** stated he was familiar with open meeting laws, and would submit his State ethics quiz certificate to the City Clerk’s office upon completion. The Committee discussed the State law requiring Board members be appointed as to political party affiliations ( Mass. General Law (MGL) requires two members must be from each of the two leading political parties, and a third member can be appointed from one of the two parties, or any other.). **Mr. Lane** noted there was a vacancy created when Allyson O’Conner resigned several months ago. Of the two other Board members, Michelle Harrison is a registered Democrat; John Rando is a registered Republican. **Mr. Lane** noted he is listed as “unenrolled” (formerly designated as “independent”) and said he had reviewed some of the Board minutes, as well as reviewed relevant State law on the ABCC website. He has attended ABCC underage alcohol enforcement trainings and other such trainings as a former member of the Gloucester Police Department; and from his years in law enforcement in the community, he was highly attuned to the matters of alcohol licensing, sales and consumption in the City. **Councilor Verga** stated Mr. Lane’s appointment was a “perfect fit” for the Board. **Councilor LeBlanc** agreed with Councilor Verga. **Councilor Hardy** also expressed her welcome to Mr. Lane expressed concern, knowing he anticipated traveling south during the winter, as this is a three person board. She asked had the Board worked out a schedule so that there would be a quorum at all times. **Mr. Lane** expressed his intent is to travel south for part of the winter but is scheduling his time away around the Board’s meeting schedule. He assured he would be in the City nine months full time. **Councilor LeBlanc** pointed out Mr. Lane would be eligible to participate remotely in Board meetings should that proves necessary.

**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 Michael W. Lane to the Licensing Board, TTE 05/31/2018.**

Conservation Commission      Robert J. Sherman                      TTE 02/14/2015

On inquiry by **Councilor Theken, Robert Sherman** stated he had attended the last ConCom meeting. He had taken his State Ethics test which had been filed with the City Clerk. He had served on the Westminster, Mass. Conservation Commission (ConCom) and would like to serve the City in this capacity as the work, he said, is important. **Councilor Theken** asked that ConCom help to shepherd applicants that come before them through the Commission's processes. She further asked they make sure to review with the applicants what they have to do step by step, especially with lowlands permits. **Mr. Sherman** indicated his understanding of the Councilor's wishes. **Councilor LeBlanc** expressed he was impressed with Mr. Sherman's resume (on file) especially as he was looking to preserve Gloucester's resources. **Councilor Hardy** asked where Mr. Sherman saw the most need for enforcement side of ConCom's rulings. **Mr. Sherman** responded that needs to be addressed on a case-by-case basis. He was not familiar with much that had come before the Commission to date having attended only one meeting; and pointed out the City has a large coastline with a great deal of wetlands. **Councilor Hardy** indicated there were trees and vegetation issues throughout the City with vast mitigation involved and asked if Mr. Sherman had any experience in these matters. **Mr. Sherman** stated he had been on the Westminster ConCom when a ski area looked to expand trails which involved deforesting a large area. He had learned of the vacancy when he expressed his interest in serving on ConCom to the Conservation Agent.

**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 J. Sherman to the Conservation Commission, TTE 02/14/15.**

**3. *Communication from Council President to City Clerk and memorandum from City Clerk re: City Clerk's Office Reorganization Request***

**Linda T. Lowe**, City Clerk presented job description revisions as part of her department's reorganization plan. She went before the AFSME B and GMMA union representatives in September informing them of her desire to revise job descriptions for her department as part of a reorganization effort which she had been informed was a necessary part of the process. She researched some comparisons of positions in other City Clerks' offices; talking to others directly. She pointed out that the notation on the job descriptions is "Preliminary/Draft," and distributed the department preliminary/draft job descriptions (placed on file) to the Councilors present. She would take the Council's comments, as well as that of her staff, go back to the unions for their input, and would then return to the O&A Committee. During that time frame she would forward a flow chart of the department to the Council; and assured the Committee it will be similar to what is in place already. The job descriptions, as submitted, show the changes in classifications; and when she sends it to the Council for their comments, current pay schedules will be attached. She noted she has talked in general about this with her staff. She also asked them to do a time study over a three-day period to show what they do to measure existing job duties. **Councilor Theken** wanted to be sure there would be a great deal of cross training of the Clerk's staff. **Councilor Hardy** stated she had wanted to review this first before it went back to the unions. But she wished to have the proposed reclassification distributed to the entire Council so they can review the preliminary draft job descriptions to make their comments, and asked they differentiate their suggested changes and comments in red. **Councilor Theken** reminded the Councilors they should reply individually to Ms. Lowe with their changes and suggestions. A complete package will be sent to the entire Council by Ms. Lowe. She also wanted this to be a thorough document review first, and then set up a Council workshop. **Councilor Hardy** stated the next time Ms. Lowe goes to the union it has to be sanctioned by the City Council first. **Ms. Lowe** responded she spoke with Kenny Costa, City Auditor, and Personnel and found she still had to get her "foot in the door" with the unions and that her meeting in September was as preliminary a discussion as could be so that the unions have knowledge she is working on the reorganization. **Councilor Hardy** asked for a further expansion of the Assistant City Clerk's duties and qualifications. **Councilor Theken** stated anyone that is working now in the City Clerk's office and would not have necessarily qualified under these new draft position parameters would still be employed in their current positions. **Ms. Lowe** said her purpose for this reorganization is to improve the situation for her staff as it is a good staff who do a tremendous amount of work, much of which they don't receive sufficient credit for. There is a large amount of institutional memory and knowledge needed to perform each of the jobs. This is an upgrade to whoever is in any of these positions and assured her staff had nothing to fear from this reorganization. **Councilor Theken** agreed and confirmed that this reorganization is not intended to push anyone out of a position but for anyone who may be hired to these positions in the future; they are looking at the positions not the person doing the job. Furthermore she wants to speak to the staff individually to obtain their feedback as well. **Ms. Lowe** stated the staff will be expected to do their best to meet these new higher standards. **Councilor Hardy** commented if they do need live up to the duties and responsibilities what training

would be offered to assist the staff to meet these goals. **Ms. Lowe** noted unfortunately for the City's employees, there is next to no money for education and training of staff; and if the staff wished to meet those standards, this is a serious shortcoming and a hindrance for that goal.

**This matter is continued to January 14, 2013.**

**4. CC2012-062 (Verga) Review of GCO Chapter 6, Sec. 6-21 through 6/24 "City-Owned Cemeteries Advisory Committee" to update and reactivate Committee**

**Councilor Verga** explained that this process started when he was contacted by a constituent about some signs missing at the Beachbrook and Dolliver cemeteries. When he asked Mark Cole, Assistant DPW Director about the installation of the signage, Mr. Cole mentioned there had been a City-owned Cemeteries Advisory Committee, but that it had faded away about seven years ago which **Ms. Lowe** confirmed that there was no current committee. Before they ask the Mayor to reappoint a new advisory committee, the ordinance needed updating but not vast revision. He also pointed out State law which says that if a cemetery is 100 years old and is unclaimed, the City owns it. There was a brief discussion of possible changes to the ordinance such as removing references to regulations. **Councilor Cox** asked was it possible to put in place fines for vandalism in cemeteries. **Ms. Lowe** stated there is a fine for defacing public property in the City ordinances and in State law; but there could be civil ticketing. It was noted this was something that could be taken up the newly reconstituted committee. **Councilor Hardy** pointed out destruction of property is under the criminal code. The Councilors discussed the ordinance, Sec. 6-23 which says, "...committee shall set the rates for sale of perpetual care of city-owned cemetery lots subject to the approval of the mayor and city council." **Councilor Hardy** expressed her understanding that fees for City-owned cemetery plots had been raised but did not recall increasing the City Council confirming those fees over the last several years, nor had **Councilor Theken**. The Councilors discussed putting in language that committee members must be City residents and attend so many meetings per year; and if a certain number of meetings they would not be able to continue as a committee member. The Committee also touched upon the situation with the Prospect Street cemetery; who actually owns it and who is responsible for its maintenance. **Councilor Verga** noted there is a State law that refers to the care of cemeteries that places the care of neglected cemeteries to a city or town. He also asked the Clerk of Committees to forward to the Mayor a request to receive a schedule of the City's current cemetery fees along with a historic review of the same fees for the past ten years so that the Committee may review that at their next regularly scheduled meeting.

**This matter is continued to January 14, 2013.**

- 5. CC2012-063 (Cox) Amend GCO Sec. 22-279 "Thirty Minute Parking" and Sec. 22-274 "Two-hour parking-Between certain hours" re: 27 Commercial Street**
- 6. CC2012-064 (Cox) Amend GCO Sec. 22-279 "Thirty Minute Parking" and Sec. 22-277 "One-hour parking-Generally" re: 29 Commercial Street**

**Councilor Cox** stated after meeting with the Traffic Commission on 11/27/12 (minutes on file) and based on their suggestions, instead of making one area one hour parking and another two hour parking, this now makes the area in front of 27 and 29 Commercial Street all one hour parking which amounts to the combination of the two Council Orders. **Councilor Theken** suggested that they remove the loading zone space at that location abutting Beach Court as the loading zone was put in for the convenience of a previous business. The current business at that location does not need a loading zone. Should that change, they can always come back. With parking limited in that area, the removal of the loading zone creates another needed vehicle parking space. **Councilor Cox** stated this was discussed with the Traffic Commission which was also their suggestion as well. She would also be submitting a Council order to reinstate angle parking to that immediate area as it is another ordinance altogether. **Mr. Ryan** clarified for the Committee the motions to be voted on, and noted at their same in addition to the amending of the Council Orders, the Commission had recommended the removal of the loading zone.

**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 22, Sec. 22-279 (Thirty Minute Parking) BY DELETING: "Commercial Street, 22 feet from the intersection with Beach Court for a distance of 44 feet in a southeasterly direction;" 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 recommend to the City Council to Amend GCO Chapter 22, Sec. 22-277 (One Hour Parking-Generally) by ADDING: “Commercial Street, westerly side, from the intersection with Beach Court, in a southerly direction, 53 feet to the intersection of Pascucci Court;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**Councilor Verga** commented if a new business comes into this location, it may be difficult to reinstate another loading zone. However, **Councilor Theken** stated the Council is also business oriented and will consider assisting a new business who may need a loading zone at that same location should that transpire.

**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 22, Sec. 22-284 (Service or loading zones) by DELETING: “Beach Court from Pole number 264 in an easterly direction for 30 feet;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**7. CC2012-067 (Cox) Amend GCO Chapter 22, Article I by adding new sections 22-7 through 22-16 “Gloucester Bicycle Ordinance” and Amend GCO Chapter 22, Sec. 22-242 “Parking prohibitions; towing; immobilizations; signs” by adding new subsection “(17)”**

**Mr. Ryan** stated the Traffic Commission recommended at their 11/27/12 meeting that the DPW Director review the proposed bicycle ordinance prior to the Council taking any action in order where there should be parking as related to the institution of bike lanes. **Stephen Winslow**, Project Manager-Mass in Motion with the Community Development Department explained that the effort is to create community consensus for a bicycle ordinance, currently of which there is none. Joining Mr. Winslow was Heidi Wakeman of the Open Space & Recreation Committee. With the help of Ms. Wakeman, they have held several public meetings on the subject so far, saying that proposing an ordinance it creates community discussion. A key factor to the purpose of this ordinance is safety. He showed the Committee a map showing the locations of bicycle/pedestrian accidents over 10 years downtown (not made a part of the record). Stacy Boulevard, Rogers and Main Streets, Maplewood and Bass Avenues had a large concentration of accidents over that time span. The concentration of accidents is in the downtown as traffic congestion creates hazards. Bicycle lanes have been shown to increase safety for cyclists by 50 percent; and bicycling is a healthy, environmentally friendly activity. There is a growing interest for bicycle lanes, with bike activity doubling in recent years. As to commerce, bicycling is a key component. Bicycling is a whole industry on Cape Cod. As to enforcement, the traffic ordinance does not mention bicycles at all. The draft ordinance recognizes that bicycles must follow the same rules as motorists unless otherwise provided in MGL. One thing before them in the first iteration of a draft ordinance is restricting bicycle riding on sidewalks in the downtown area and on the Harbor Walk. Currently the ordinance does not prohibit bicycling on sidewalks in the downtown area. In business districts you are allowed to ban cycling on sidewalks. Businesses downtown were flyered and he spoke with many business owners in the area who are very supportive of that restriction, naming Palazola’s and Alexandra’s Bakery, as two such businesses. This effort was held off until a lot of the mandated CSO work was completed in the downtown area. There are possible grant funds that can be used to put bike lanes in place. They’ll work this winter to have a more comprehensive community process in order to ensure whatever is done is accepted by the community. Bike lanes are marked by thermoplastic striping, which is about \$1/ft. It is 30,000 linear feet on both sides of a street. This would designate about four to five feet wide bike lane space. The proposed ordinance amendment would make it a legally enforceable if a motorist parks in a bike lane. He is looking at areas where there is enough width in a roadway to accommodate bike lanes. Something like this can increase bike traffic exponentially. By making it safer for bicyclists’ downtown and in the surrounding areas, Gloucester could be viewed as a cycling destination. **Councilor LeBlanc** expressed he thought this was a good idea. He noted the draft ordinance speaks to not leaning bicycles up against buildings, trees or fire hydrants. He asked if they would be installing more bicycle racks around the City to prevent these occurrences. **Councilor Cox** noted there are many bicycle racks around the downtown and City which hold two to three bicycles each. **Mr. Winslow** stated they put in about 20 bike racks. Bicycles can be locked to parking meters. **Councilor Cox** stated they wanted to make the beaches more bicycle friendly to alleviate vehicle congestion in the summer. **Mr. Winslow** added they did put a bike rack at Niles and Good Harbor beaches. **Councilor Cox** pointed out the draft ordinance the Committee received is a great starting point; it helps to protect the bicyclist as well as allowing for law enforcement. **Councilor Hardy** commented that traffic enforcement is an issue already. **Mr. Winslow** stated the more people bicycle; the

safer it actually gets for bicyclists. This draft ordinance has an enforcement component. **Councilor Verga** asked how they would deal with the State roads which have the most bicycling going on especially through Magnolia and Lanesville. **Mr. Winslow** expressed confidence they would be able to work with the State on that matter. **Councilor Theken** pointed the bike lanes have to be improved for the whole City not just the downtown. **Councilor Verga** pointed out most of the City was not on Mr. Winslow's map. They had talked about previously the need for bicycle lanes in his ward, and in Councilor Hardy's ward (Magnolia and Lanesville respectively) which have a great length of State road running through their wards. Councilor Theken pointed out that in suggesting an ordinance amendment of this type, it has to be for the whole City. **Mr. Winslow** noted there are State standards when a roadway is redone they have to accommodate bikes and pedestrians. **Councilor Verga** suggested wards 4 and 5 are the two areas likely have the heavy bicycling traffic; and there is a need for better communication with the State DOT so that Routes 133 and 127 have better signage and lane striping. This should not be overlooked. **Councilor Cox** pointed out this is the first step to getting something on the books. At the prompting of several Councilors, **Councilor Cox** stated they will get together with the Police Chief and look at what neighboring communities have done. **Councilor Theken** asked if the DPW had been included in their discussions yet. **Mr. Winslow** stated not yet. **Councilor Cox** added this was more to receive community input and get the basics drafted. This draft ordinance was based on that of Cambridge. **Councilor Theken** asked they look to communities who are of a similar size and make up. **Councilor Hardy** suggested the Police Chief or his designee should be involved from the beginning as well as the DPW Director or his designee. She also suggested a public education component. **Councilor Cox** commented the educational component is also being planned. **Councilor Theken** requested Mr. Winslow communicate with the State regarding bike lanes for the outlying areas of the City which fall on State roadways.

**This matter will come back to the O&A Committee's agenda when a new draft ordinance is submitted to the Committee for their consideration.**

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:30 p.m.**

**Respectfully submitted,  
Dana C. Jorgenson  
Clerk of Committees**

**DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.**

- **Job Descriptions for City Clerk's Department Personnel by Linda T. Lowe, City Clerk**