

**Ordinances & Administration Committee**

Monday, October 28, 2013 – 5:30 p.m.

1<sup>st</sup> Fl. Council Committee Rm. – City Hall**-Minutes-**

**Present:** Councilor Sefatia Theken, Chair; Councilor Robert Whynott, Vice-Chair; Councilor Steven LeBlanc; Councilor Paul McGeary (Alternate)

**Absent:** None.

**Also Present:** Councilor McGeary; Councilor Cox; Jim Duggan; Police Chief Leonard Campanello; Fire Chief Eric Smith; Tom Daniel; Suzanne Egan; Kenny Costa

**The meeting was called to order at 5:30 p.m. Matters were taken out of order. Councilor McGeary sat in for Councilor Whynott until he entered the meeting at 7:34 p.m. From 7:23 to 7:27 the Committee was in recess. During the recess Councilor Cox left the meeting.**

**1. Continued Business:**

- A) New Appointments: Gloucester Cultural Council Karl Pulkkinen, Caroline Haines TTE 02/14/16

The Committee spoke with Mr. Pulkkinen and Ms. Haines, reviewing their resumes and their involvements in the arts in the community, commitment to volunteering for the City and ensuring that the two appointees had taken the State Ethics Test, filing their certificate of completion with the City Clerk.

**Councilor Theken** and **Councilor McGeary** added their personal thanks to Ms. Haines' appointment, with Councilor Theken noting she knew Ms. Haines through her position with Pathways for Children. **Councilor McGeary** asked about the partnership between the Gloucester Cultural Council and the Harbortown Cultural District. **Catherine Ryan**, member of the Committee for the Arts, and appointee to the Tourism Commission said that there is a partnership but there is no conflict. **Councilor LeBlanc** added his support of both candidates.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Karl Pulkkinen to the Gloucester Cultural Council, TTE 02/14/16.**

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Caroline Haines to the Gloucester Cultural Council, TTE 02/14/16.**

- B) Memorandum from Mayor and Memorandum from Community Development Director re: Tourism Commission and New Appointments to the Tourism Commission:
- |  |              |
|--|--------------|
| Susan Parent, Catherine Ryan   | TTE 02/14/14 |
| Pauline Bresnahan, Laura Dow, Paul Frontiero, John Orlando, Peter Webber | TTE 02/14/15 |
| Lily Linquata Karen Ristuben, Zach Sears                                 | TTE 02/14/16 |

**Tom Daniel**, Community Development Director explained to the Committee how he arrived at the new composition and mix of membership of the revitalized Tourism Commission according to the revised ordinance (memo on file). Two people have had to pull out; Susan Parent of Toodeloo's who would have represented Downtown Retail, and Lily Linquata of the Gloucester House representing the restaurant industry. **Mr. Daniel** said that the Tourism Commission would be connected to the Community Development Department and that he would be the Commission's liaison. A five year plan would be the first charge of the Commission, and how it connects to the Administration with clear deliverables and outcomes and as to what resources are needed, he noted, pointing out that by having this departmental connection, it would be advantageous.

**Councilor McGeary** said one of the problems with volunteer commissions that there is no clear mission and added that it is important to set those expectations and make clear everyone knows what is expected.

**Councilor Cox** noted that two potential members have backed out and asked how quickly these roles will be filled. **Mr. Daniel** said he is already speaking with potential appointees and that the two open slots will be filled as soon as possible.

**Catherine Ryan** spoke with the Committee to explain her commitment as a resident, and member of the Committee for the Arts saying that her added role on the Tourism Commission is a good connection.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Catherine Ryan to the Tourism Commission, TTE 02/14/14 as an Arts and Culture representative.**

**Pauline Bresnahan** discussed with the Committee her commitment to the City and tourism as a retail business owner for 15 years in West Gloucester and being involved in retail business for 40 years. **Councilor LeBlanc** commented he appreciated Ms. Bresnahan's ideas for bringing people to Gloucester and **Councilor Theken** added that Ms. Bresnahan has never given up and expressed her hope that this time this Commission's composition will move forward positively. **Ms. Bresnahan** offered that the new composition of the Commission was very good.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Pauline Bresnahan to the Tourism Commission, TTE 02/14/15 as a Non-Downtown Retailer representative.**

**Laura Dow** explained to the Committee her on-going commitment to the City having been involved with tourism since 1999 when she and her husband bought the Vista Hotel. She serves on the DMO board, Chamber board and other related organizations and said she has good knowledge of how to bring people together. She also noted she served previously on the Tourism Commission, and said that with the added support of Mr. Daniel and the new composition of the Commission it was all very positive. **Ms. Dow** noted that this fall season has been very good for tourism with visitors coming from nearby. **Councilor Theken** and **Councilor McGeary** added their approbation for her appointment.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Laura Dow to the Tourism Commission, TTE 02/14/15 as an Accommodations representative.**

**Paul Frontiero** discussed his appointment with the Committee saying that he saw his role as a bridge to all the various groups promoting tourism within the City to bring all the groups together in order to work cohesively for the betterment of the City. He added that he would like to see money put into promoting tourism as well.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Paul Frontiero to the Tourism Commission, TTE 02/14/15 as a Tourist Attraction representative.**

**John Orlando** pointed out that without the fishing industry there is no tourism and added he was encouraged by this new group of appointees to the Tourism Commission. **Councilor Theken** spoke of her many years of association with Mr. Orlando and approved of his appointment. **Councilor LeBlanc** also added his support as did **Councilor McGeary** who asked about the role of the Commission and how the Tourism Commission would interact with the Administration. **Mr. Orlando** said it was his hope that the Administration would go forward working closely with the Commission to develop a tourism plan.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint John Orlando to the Tourism Commission, TTE 02/14/15 as the Seaport Gloucester Destination Marketing Organization representative.**

**Peter Webber** explained his commitment to the Tourism Commission saying that it is important for Gloucester and all of Cape Ann to have a strong Tourism Commission. He noted a big part of the work he does with the Chamber is promoting visitor services. He said there is no conflict between himself as a representative of the Chamber and promoting the City of Gloucester. He said he believes that if visitors come to Gloucester it will benefit all of Cape Ann.

**Councilor McGeary** said one hears historically that some Chambers serve their own and asked if this was in the past. **Mr. Webber** said he did believe it was in the past, and that there was a lack of understanding by the

Chamber which has been corrected. The Chamber is a member supported organization, he said, but if someone asks about a non-member, that information will be provided although adding that there was a time that wasn't necessarily the case but is in the past.

**Councilor McGeary** noted in the past the tourism effort has been dispersed over some small things. He suggested that some money be taken out of the hotel/motel and meals tax funds to fund one larger project. He suggested that as the Tourism Commission lays out its plan, it needs to be cognizant of possible dilution of the effect by funding many small projects versus one larger overall effort. **Mr. Webber** said he agreed with Councilor McGeary, and that the strength in this Commission will be bringing everyone together involved in tourism.

**Councilor Theken** said that she was supportive of the Tourism Commission moving forward and making positive messages about the City.

**Councilor Cox** said that when first moving to Gloucester she volunteered with the Chamber and assured the Committee that in her experience, the steering of visitors and inquiries about local business is in the past. **Councilor Theken** added that the community belongs to all and that the perception needs to be changed which was being handled well.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Peter Webber to the Tourism Commission, TTE 02/14/15 as the Cape Ann Chamber of Commerce representative.**

**Karen Ristuben** said that as the leader of the Rocky Neck Art Colony and assisting in creation of the City's first cultural district, she was uniquely experienced to be a part of the Tourism Commission. She spoke of the ways in which she saw using State resources to promote the City and to build upon those relationships. **Councilor Theken** noted Ms. Ristuben had to report back to her organizations and confirmed with her there was no conflict. The Councilor also expressed her approbation of Ms. Ristuben's efforts on behalf of the community.

**Councilor McGeary** said Ms. Ristuben would be a real asset to the Tourism Commission having worked with her on the creation of the City's first Cultural District which is in his ward.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Karen Ristuben to the Tourism Commission, TTE 02/14/16 as an Arts and Culture representative.**

**Zachary Sears** discussed his appointment to the Tourism Commission with the Committee saying he wanted to see Gloucester become a 12 month tourist destination. He noted he is the general manager of Latitude 43 and has had experience in promotion due to working in the restaurant six years. He said out the restaurant has lain off fewer employees during the winter season with each passing year. **Mr. Sears** pointed out that if surrounding restaurants do well, then his restaurant does well; that it is an interdependent relationship.

**Councilor Theken** said she knew of Mr. Sears work at Latitude 43 and supported Mr. Sears' appointment.

**Councilor McGeary** noted he has known Mr. Sears for some years as he had gone to school with his son and that Mr. Sears had gone to school for restaurant management which has been his chosen career. **Councilor LeBlanc** said he was pleased to see a young person stepping up to volunteer on behalf of the City.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to appoint Zachary Sears to the Tourism Commission, TTE 02/14/16 as a Restaurant representative.**

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the withdrawal of Susan Parent for consideration as an appointee to the Tourism Commission.**

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to accept the withdrawal of Lily Linquata for consideration as an appointee to the Tourism Commission.**

C) CC2013-026 (Cox) Amend GCO Sec. 22-267 (One Way Streets-Generally) re: Fort Square

**Suzanne Egan**, General Counsel said at issue is whether to make the ordinance specific to a specific business owner. **Councilor Theken** said she agreed an ordinance should not be enacted for one individual property owner. **Ms. Egan** added that the way the proposed ordinance language by Attorney Joel Favazza (representing Jeffrey Amero, property owner of 33 Fort Square) is drafted which she had reviewed (letter dated 10/25/13 on file), it appeared to benefit one business by saying that no other vehicles may travel against the customary direction.

**Councilor Cox** read the following proposed ordinance language saying she wanted this to move forward:

“Fort Square..., except from 5:00 a.m. to 10:00 a.m., Monday through Friday, for a distance of approximately 500 feet beginning at its intersection with Commercial Street on the westerly side and terminating at the driveway of 33 Fort Square in which tractor trailer or other vehicles with a hitch-and-trailer system with a total length (truck and trailer) in excess of 30 feet, and fixed-body vehicles with a total length in excess of 40 feet, and no others may travel against the customary direction of traffic provided such vehicles are, at such times, led and accompanied by an adult on foot.”

**Councilor Theken** noted, after consulting with Mr. Favazza, that when this matter first went before the Traffic Commission that it was proposed to make Fort Square two way versus one way with no limitations. The newly proposed draft language, it was noted, had not been put before the Traffic Commission to date.

**Ms. Egan** said after reviewing the language proposed by Mr. Favazza, the way the ordinance language is drafted is still benefits one parcel to the extent that it says that no other vehicles may travel against this customary traffic direction. She offered the suggestion that much of this can be done through an agreement with the DPW Director if there is a particular need to pass on a public way at a certain time and within certain parameters, rather than by ordinance. She pointed out that the detail to escort the vehicles is hard to enforce as it is serving a private interest versus a public interest.

**Councilor Theken** said the Committee did a site visit for the first time since her tenure on O&A; and said she was concerned by what she saw during the vehicle demonstration leaving many questions unanswered. She pointed out back in July when her Committee asked for the opinion of the Fire and Police Chiefs, it was a different proposal. She noted her biggest concern was watching the demonstration truck drive over the sidewalk during the site visit. Conditions being clear and dry, both fire trucks at the demonstration drove in both directions on the street, she noted, and there was a two minute delay which she said could mean a life. Additionally, she pointed out snow conditions could impair access because this is a narrow roadway, adding that the public safety departments prepare for such conditions and will access on foot if need be. Through compromise, she noted it was agreed by the property owner for a flag person to accompany trucks, a mirror on a telephone pole, and access hours were reduced to 5 a.m. to 10 a.m. Monday to Friday. She suggested that after speaking further with the neighborhood that the hours needed to be reduced further.

**Councilor Theken** asked if Mr. Amero, as requested when the Committee last met had called his trucking companies to ask them to confirm deliveries can be made during the proposed hours. **Jeffrey Amero**, owner of 33 Fort Square noted he has had some conversations but had yet to get letters. **Councilor Theken** indicated the Committee would need the letters on file, as was previously required in the case of the fish auction and other businesses around Harbor Loop.

**Councilor Theken** said it is dangerous in the area for two ways. If the street is two ways during those five hours then tonnage of the vehicles was necessary for ordinance which wasn't included in the proposed draft language. **Attorney Joel Favazza**, who was representing Mr. Amero, referring to his letter to the Committee submitted on 10/25/13 (on file) that it was a matter of the length of the vehicle being able to make the turn into the property and that the use of tonnage was inaccurate.

**Police Chief Campanello** said Mr. Amero has tried to be a good neighbor and make some concessions. Hours can be changed, mirrors, but the physicality of the street can't be changed, he said; and would not change his original assessment (memo on file) which was against such a change due to safety and enforcement concerns.

**Fire Chief Eric Smith** said in view of the size of his department's vehicles, this proposal creates a more dangerous situation in the off chance that an emergency were to occur at the same time one of the trucks was leaving the property. He, too, said his original recommendation stood in light of viewing the street in person, and in talking with his deputy and captain after the site visit. He said he spoke to his captain and deputy today again who informed him they felt the same way now as they did at the site visit which was they were not in favor of the change.

**Councilor McGeary** said he disagreed with the two Chiefs noting he was present at the site visit. He said Chief Smith makes a good point that it is an off chance for trucks to meet exactly at that corner. The chances of the two vehicles meeting in an emergency was remote a fire truck and a semi, for instance. If Mr. Amero is employing a signal person, it reassured him, he said. He discussed his differing view with **Councilor Theken**.

**Councilor LeBlanc** agreed with Councilor McGeary that the chances of something happening are remote. He suggested this change should be tried out for a limited length of time.

**Councilor Theken** pointed out that Mr. Amero could do this at any time through an agreement with the DPW without an ordinance change and asked Mr. Amero what he was doing currently to have trucks access the property.

**Mr. Amero** said his business is not using the property yet for deliveries; no facility is there yet. He said the proposal will work and was a matter of being able to do it safely with permission for a two-way street and that this is necessary for his business to expand. He confirmed to **Councilor Theken** that without this ordinance change he would be unable to expand his business.

**Ms. Egan** suggested that if this is something that the trucks will go by a certain schedule and Mr. Amero knows when certain deliveries are made, then he could enter into an agreement with the DPW to get permission and notifying the Police and Fire Departments for a very discrete certain length of time when everyone is on notice. She also said if the schedule needs to be revised it can always be revisited. It doesn't need to be in an ordinance but done by working with the DPW, she added.

**Councilor Theken** and **Mr. Favazza** discussed with **Ms. Egan** whether the ordinance needs to be amended or whether an agreement with the DPW could be done for a set length of time during a specific timeframe. **Mr. Favazza** said he wished to pursue the ordinance solution; that the 5 a.m. to 10 a.m. timeframe is the narrowest Mr. Amero could use.

**Councilor Theken** encouraged Mr. Amero to try first the agreement through the DPW. **Mr. Amero** posed to the Committee how he could try to work via an agreement when he has yet to establish using the property. He pointed out his business is heavily invested in advertising, promoting the City through promotion of his product line. His business, he said, is expanding to allow for him to load his product onto barges and transport over water as well as delivery over land and that the ordinance was important to that business expansion.

**Mr. Favazza** pointed out it is also a matter of Mr. Amero having waited since this summer to invest in this property. **Councilor McGeary** asked what it would cost to make the property serviceable for Mr. Amero's purpose. **Mr. Amero** said it would be hundreds of thousands of dollars, indicating soft costs would be more likely about \$250,000. **Councilor McGeary** said he understood Mr. Amero not being willing to make that kind of investment, say, for a three month trial period.

**Councilor LeBlanc** said he wanted to see businesses flourish in the Marine/Industrial (M/I) district. He asked this matter go to public hearing and to let the Council decide with public input.

**Ms. Egan** said she wasn't suggesting that the agreement be in place for three months. Rather, she said she suggested that the City and Mr. Amero would enter into an agreement that deliveries could be made, and that when the schedule develops, it could be revised; but the agreement would be in place. She added that she concurred a three month agreement doesn't do any good. **Councilor Theken** confirmed with **Ms. Egan** an agreement could be put in place right away if Mr. Amero wanted. She pointed out with a police detail anyone can take a vehicle down the wrong way of a one-way street to conduct business; but Mr. Amero's concern is about this being a daily process.

**Roberta Peterson**, 2 Fort Square expressed her concern of large trucks in the area of 33 Fort Square and said her home has been hit three times by a tractor trailer having lived in her home 75 years.

An email submitted by Jen Johnson, 26R Fort Square was read by the Clerk of Committees at the Chair's request which the Committee had received earlier in the day (on file) reiterating a previous email to the Committee that she remained firm in her objection to the change of direction of the street due to safety issues.

**Attorney Favazza** said that Mr. Amero has offered that an adult on foot would accompany vehicles on the street. He pointed out there was no flag person on the street at the site visit when the truck drove over the sidewalk.

**Councilor Theken** said she would not support the ordinance amendment. She noted if the ordinance is amended the roadway becomes two-way for all vehicles during the specified timeframe, not just trucks delivering to 33 Fort Square and that this ordinance amendment would be difficult to enforce.

**Ms. Egan** said she agreed, that the ordinance that would be difficult to enforce and the details in the proposed language are probably best left to agreements and not ordinances. She said it would be in writing in the form of a Memorandum of Agreement with the public safety departments and the DPW. It would be enforced by virtue of its being an agreement, she said; and enforcement is there by making the Police Department a party to the agreement. **Ms. Egan** also said that is not allowed under the Code of Ordinances; therefore, if the agreement is breached, because of the rules of the street, the agreement would be enforceable. This also allows for flexibility for the business, she added.

**James Tarantino**, 26 Fort Square said M/I businesses have been in the Fort area with trucks coming and going down that route for years and spoke of the road the Ice Company is accessed and suggested vehicles could use that roadway for access to Mr. Amero's property. **Ms. Peterson** also confirmed that was the case. **Mr. Tarantino** said his concern was based upon recent history in the Fort, of a possible plan to make the whole neighborhood residential. **Councilor Theken** indicated that the matter of zoning was not before her Committee nor would it be one that would come through O&A.

**Councilor Theken** asked why trucks can't go by way of Cape Pond Ice. **Mr. Favazza** said access by truck is limited by topography and by the amount of money that would have to be invested. He suggested the City would have to do a taking in order to take Commercial Street across Mr. Amero's property where he plans to do business. He said it would be akin to Mr. Amero building a road for the City; this is a Fort Square address, and Mr. Amero is supposed to access this property over Fort Square. **Mr. Favazza** said that the general concept is for Mr. Amero to use the land that needs serious repairs. The investment of placing storage buildings is a different investment than regrading the property for travel by tractor trailers. If buildings are placed on the property, **Mr. Favazza** said, it is worth the investment as it improves the property. It is not feasible and not affordable to build a City road across Mr. Amero's property, he said, which would constrain his ability to use the property.

**Councilor Cox** asked if Mr. Amero was doing this with a police detail and if there was an emergency would the trailer truck have to back up or forward. **Chief Smith** said with an officer on site there would be advanced warning of an emergency. They would have a two-way radio linked to the public safety departments and that it would allow the opportunity to give the leeway needed by emergency vehicles for road access. He said a police scanner would not have direct communication from the Police Department to notify anyone in that area. With a scanner, it is hoping, he said, they might hear the emergency; but there is no assurance and no direct communication with the site.

**Councilor McGeary** said Mr. Amero would know when a delivery arrives, but it is really about vehicles leaving the property and that is when a flag man becomes an issue which **Mr. Amero** confirmed. **Councilor McGeary** said this is a condition that could be imposed by law and asked Ms. Egan was such an ordinance challengeable because it could be construed as creating an ordinance amendment that benefits only Mr. Amero. **Ms. Egan** responded that anything is challengeable; but that it is more effective with an agreement between the three City Departments. She reiterated that she believed by including all the specifics into the ordinance amendment it would be difficult to enforce. **Councilor McGeary** pointed out the Council passes ordinances but can also revoke ordinances. He noted at issue is only when trucks are exiting Mr. Amero's property. Someone can call police and fire departments notifying them that a truck is exiting the property, he said. **Mr. Amero** and **Councilor McGeary** discussed the issue of making the call and what was feasible for Mr. Amero to do.

**Chief Campanello** spoke to a flag man versus an interested adult. This flag person, he said, is not going to be a trained person but an employee of Mr. Amero's. He said this person would be directing traffic, and he could not agree to Mr. Amero's flag man directing traffic on a regular basis. Further, the burden would not just be on Mr. Amero calling his department this would be an added burden is on his call takers, he said, depending on how much truck traffic there is. **Mr. Amero** said there are three trucks a day at another facility he owns not counting the smaller delivery trucks. The majority of trucks that would service 33 Fort Square would be the larger trucks, he noted, because of the size of the product.

**Christine Ciamartaro**, 2 Fort Square asked if a truck were still on Mr. Amero's property at 10 a.m. and exits after the 10 a.m. limit, and expressed her concern. **Mr. Favazza** responded that it would be possible schedule the trucks to make their deliveries during the window of opportunity and be off site appropriately. **Ms. Peterson** added her further concern and urged the Committee to listen to the Chiefs' recommendation.

**Councilor LeBlanc**, referring to earlier remarks by Mr. Tarantino, said that there is no preference for all residential zoning in the Fort and that he is in favor of the Marine/Industrial zoning remaining in place in reference to this particular piece of property.

**Chief Campanello** said if an agreement is made he would not agree to flag man doing a police officer's job. **Ms. Egan** said what is before the Committee is the ordinance. The only way an agreement would be entered into is if Mr. Amero would do it. She also pointed out the proposed language made no mention of a mirror and suggested the Committee not insert any language in the ordinance about an agreement.

**Councilor McGeary** added that as to the items that Mr. Amero has agreed to, he said that while the flag man is not a trained police officer, it is an additional margin of safety that he would like to see in the ordinance, and that the mirror atop a telephone pole would be put up. He reiterated he would like to have included in the ordinance language that vehicles must be led and accompanied by adult on foot as a requirement. **Councilor McGeary** said with that language present, he would support the ordinance amendment. If the reports of the neighbors are that the ordinance is being violated then the Council can revoke the ordinance, he added.

**Councilor Theken** again reiterated this ordinance would be very difficult to enforce. **Chief Campanello** agreed saying that it would be a one-way violation, but the police would have to observe the violation; and his department would not keep a list of trucking companies going in and out at 33 Fort Square. It is not feasible, he said, to track these trucks down by his department.

**Councilor McGeary** said the language proposed by Mr. Amero through Mr. Favazza is acceptable and that this allows for the area continuing to be used as Marine/Industrial district. There are, he said, sufficient safeguards in place within the proposed ordinance language. If it doesn't work, he said, the ordinance can be revoked.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 2 in favor, 1 (Theken) opposed to recommend to the City Council to Amend the GCO c. 22, Sec. 22-267 (One Way Streets-Generally) "Fort Square" to ADD after the current ordinance in effect as follows:**

**"except from 5:00 a.m. to 10:00 a.m., Monday through Friday, for a distance of approximately 500 feet beginning at its intersection with Commercial Street on the westerly side and terminating at the driveway of 33 Fort Square in which tractor trailer or other vehicles with a hitch-and-trailer system with a total length (truck and trailer) in excess of 30 feet, and fixed-body vehicles with a total length in excess of 40 feet, and no others may travel against the customary direction of traffic provided such vehicles are, at such times, led and accompanied by an adult on foot;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

After the motion passed **Audrey Molloy**, 38 Fort Square expressed to the Committee her concern of large trucks accessing 33 Fort Square and the proposed changes to the road.

- D) CC2013-034 (LeBlanc) Amend GCO c. 22, Sec. 22-287 (Disabled veteran, handicapped parking) re: Riggs Street #6

**No action was taken by the Committee at this time.**

- E) CC2013-040 (Cox) Amend Chapter 22, Sec.22-282 Establish angle parking spaces in front of Commercial Street #27

**Councilor Cox** said that her order was taken up by the Traffic Commission although it had been inadvertently left off their agenda and confirmed here are currently two spaces in front of 27 Commercial Street and by angling them one more space will be created.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO c. 22, Sec. 22-282 (Angle Parking) by ADDING Commercial Street for a distance of 27 feet from its southerly intersection with Beach Court, in a southerly direction three 9 foot angle parking spaces; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**NOTE: The following matter was taken up as the last order of business. Councilor McGeary stepped away from his role as alternate member to the Committee and Councilor Whynott resumed his role as Vice Chair.**

- F) CC2013-041 (Tobey) Request the O&A Committee reviews an ordinance for Council enactment: "that the City shall lease no property or structure unless funding is approved by 2/3<sup>rd</sup> majority of the City Council (Cont'd from 09/16/13)

**Dana Jorgensson**, Clerk of Committees explained to the Committee Councilor Tobey was unable to attend the meeting due to illness, but had conveyed through City Clerk, Linda T. Lowe that he wished to put forward the language for Council vote regarding the lease of private property by the City that now removes a two-third majority vote of the Council which she read to the Committee.

**Councilor Theken** inquired if the Budget & Finance Committee had to have a vote of a two-thirds majority which **Kenny Costa**, City Auditor confirmed it did not, just a majority. Certain matters before the Council do require a certain number of votes, he said, such as matters pertaining to a stabilization fund or a borrowing.

**Councilor McGeary** said he did not feel this action was necessary pointing out in the end the Council has the power of the purse. The Administration can sign any contract but that the Council doesn't have to fund it. He said this is not necessary as there enough levels of bureaucracy and slowness.

**Councilor LeBlanc** noted just such sentiment was expressed previously when O&A took this matter up.

**Jim Duggan**, CAO said that currently there are four buildings leased by the City: the CATA building where City offices are; the Harbormasters' office; the School Administration and pre-school at 2 Blackburn Drive and a bus repair facility also located on Pond Road. On inquiry by **Councilor Theken**, **Mr. Duggan** said no lease has been signed for swing space for West Parish School. Nothing else has been signed, he added. The RFP for swing space for the West Parish community is due to go before the Council because it would require funding, he said.

**Mr. Duggan** said there was a perception he wished to clarify something said during a Council meeting; that the Administration disrespected the City Council. He said that the Administration did not do that. Additionally, that there was intent when submitting the FY14 budget that it was the intent of the Administration to earmark a certain amount in the DPW budget to someplace else was not it. **Mr. Duggan** said the night of the passage of the FY14 budget he was at a West Parish PTO meeting with a proposal brought for potential swing spaces with some West Parish students at 2 Blackburn Drive and some at St. Ann's. The parent community made clear they don't want their children split up, he said. As a result, he noted, there was now the need to find a space to potentially keep all the students together, and so the RFP was drafted and was advertised for the purpose of keeping all the West Parish community together.

This, **Mr. Duggan** said, is about finding a spot for the preschool and school administration for many months. He noted that a number of locations were considered with a priority to find a new space for the preschool because of the condition of the Fuller School. **Mr. Duggan** said at a City Council meeting when Councilor Tobey asked the Administration to put money into the Fuller School, he said, "No;" that they were not going to.

**Mr. Duggan** said once it was clear from the West Parish community for one swing location, it freed up 2 Blackburn Drive. He said his only conversation with the landlord of 2 Blackburn Drive took place the week before July 4<sup>th</sup> with (Superintendent of Schools) Dr. Safier and Chair of the School Committee (Jonathan Pope).

**Councilor Theken** asked about the length of the lease for the 2 Blackburn Drive property. **Mr. Duggan** responded that the contact is for three years at about \$240,000 to \$260,000 per year all inclusive – heat, water, maintenance, janitorial, outside and inside. He noted the relationship is with the landlord, and that the DPW is no longer responsible as they were with the Fuller building.

**Councilor Theken** asked how much money was saved by this move. **Mr. Duggan** said utilities cost approximately \$300,000 a year at Fuller because the system is antiquated and not zoned and very inefficient.

**Councilor Whynott** pointed out the situation with the lease for 2 Blackburn Drive was an anomaly. Most of the time when there is a contract the Administration needs funding, but in this instance the money was available through an accessible account. He pointed out this would be making a rule for something that happened once over ten years.

**Councilor McGeary** asked if City enters into a three year contract and in the second year the Council decides to not fund it, did the person involved in the contract have recourse. **Ms. Egan** said there is a provision that notes the contract is subject to further funding or appropriation. **Councilor McGeary** said he agreed with Councilor Whynott that this is throwing roadblocks into a process as did **Councilor LeBlanc**.

There was a brief discussion among the Committee regarding process as to whether a public hearing would go forward if there was not an endorsement of a recommendation by the Committee.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor Whynott, the Ordinances & Administration Committee voted 0 in favor, 2 (LeBlanc, Whynott) opposed, 1 (Theken) present, to recommend to the City Council to Amend the GCO by ADDING a new Section 2-28 to Chapter 2 Administration, Article II "City Council" as follows:**

**"Section 2-28 Funds for Lease of Private Property.**

**Prior to the City entering into any lease of private property for a period or term of at least one year, said lease shall be submitted to the City Council for approval by its Budget & Finance Committee for funding of the lease. The lease shall then be put before the City Council for its approval;" AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

- 2. CC2013-043 (McGeary) Amend GCO c. 22, Sec. 22-287 "Disabled veteran, handicapped parking re: Herrick Court #5**

**Councilor McGeary** said that the Traffic Commission did not recommend the creation of a handicap space at Herrick Court #5, and after speaking to the requestor he asked that his order be withdrawn.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council that CC2013-043 to Amend GCO c. 22, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space adjacent to Herrick Court #5 BE WITHDRAWN.**

- 3. CC2013-044 (Cox) Amend GCO c. 22, Sec. 22-287 "Disabled veteran, handicapped parking re: Liberty St. #14**

**Councilor Cox** said the Traffic Commission endorsed the creation for a handicap parking space at Liberty Street #14 and that all documentation was in order and the requestor understood the space was not for the exclusive use of the requestor.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO c. 22, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space in front of Liberty Street #14; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**4. CC2013-045 (Hardy) City Council review Gloucester Dog Park Regulations adopted March 22, 2011 for purpose of incorporating same into GCO c. 4 "Animals," Art. II "Dogs," Sec. 4-16(d) "Off Leash Dog Areas and adding enforcement to Sec. 1-15 "Penalty for Violation of Certain Specified Sections of Code**

**Marie Demick**, representing the Gloucester Dog Park explained to the Committee the Council Order was intended to incorporate the Gloucester Dog Park rules and regulations into the Code of Ordinances Chapter 4 and to further introduce into Sec. 1-15 civil penalties for violations of those same rules and regulations. Currently the rules and regulations are posted at the dog park on 3 ft. by 2 ft. signs. She said this was brought about because in order for these rules to become enforceable the rules need to be in the ordinance. There have been no issues yet at the Dog Park needing enforcement, she said by having the threat of civil enforcement would be helpful. **Louise Grinrod**, 19 Way Road and Dog Park board member expressed her agreement. **Ms. Demick** said the fine is added in because any type of offense on the books now is not enough and is strictly for a violation at the Dog Park only. **Ms. Egan** confirmed she had reviewed the language of the ordinance amendments and was it was in order.

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO c. 4 "Animals," Art. II "Dogs," Section 4-16(d) "Off Leash Dog Areas" by ADDING new subsections as follows:**

**"Dog Park Establishment and Use.**

- 1. There is established an enclosed dog park at Stage Fort Park for the use and enjoyment of dogs of residents of the city.**
- 2. Use of the dog park is subject to the following rules and regulations:**
  - 1. The dog park shall be open from dawn to 9 p.m. and may be closed as conditions require;**
  - 2. Dogs must be accompanied by a guardian at least 14 years of age;**
  - 3. Minors under the age of 14 must be accompanied by an adult;**
  - 4. Maximum of 3 dogs per guardian at any one time;**
  - 5. Dogs must display a municipal dog tag license and current vaccination tag;**
  - 6. Guardians must have voice control over their dogs at all times;**
  - 7. Guardians must immediately clean and properly dispose of waste;**
  - 8. Holes dug by dogs must be filled;**
  - 9. All dogs must be leashed upon entering and exiting the dog park; and**
  - 10. Users of the dog park are responsible for any damage or injury inflicted by their actions and/or those of their dog(s). Neither the city nor any of its agents shall be liable for any injury or damage caused in the dog park.**
- 3. The following are prohibited inside the dog park:**
  - 1. Dogs displaying aggressive behavior (subject to immediate removal from the park by the animal control officer or his designee);**
  - 2. Female dogs in heat, unaltered male dogs, all dogs younger than four months in age;**
  - 3. Choke, prong or spike collars;**
  - 4. Toys of any kind, except for tennis balls;**
  - 5. Children under the age of 8;**
  - 6. Food, smoking, alcoholic beverages and glass; and**
  - 7. Bicycles, strollers, skateboards, roller blade and bare feet.**

4. **Whoever violates any provision of this section shall be subject to a fine as set forth in Section 4-21(d). In addition, the dog officer may revoke the use of the dog park for those who violate any provision of this section. The decision of the dog officer shall be final;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

**MOTION: On a motion by Councilor McGeary, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO c. 1 General Provisions, Section 1-15 Penalty for violation of certain specified sections of Code to ADD a new penalty for violation as follows:**

**“Chapter 4, section 4-16d, dog park violations.**

**Penalty:**

**Each offense: \$50.00;**

**The enforcement officer for violation is the animal control officer;” AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

5. *CC2013-046 (LeBlanc) Amend GCO c. 22, Sec. 22-287 “Disabled veteran, handicapped parking re: one space across from Washington St. #200 near Knowlton Square*

**Councilor LeBlanc** discussed the Traffic Commission’s recommendation that a handicap parking space across from Washington Street #200 near Knowlton Square be created, this space is on Knowlton Square is the closest available parking spot. **Councilor LeBlanc** said that the requestor realizes this space is for anyone with a handicap placard. He noted this matter had been before the Traffic Commission twice before as it was thought the requestor was parking on private property, but was discovered it was not; and therefore, the recommendation to institute this handicap space could go forward.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO c. 22, Sec. 22-287 (Disabled veteran, handicapped parking) by ADDING one (1) handicapped parking space at Knowlton Square, southerly side, 45 feet from a point beginning with its intersection with Washington Street, in an easterly direction for 22 feet; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

6. *CC2013-047 (Cox) Amend GCO Sec. 22-269 “Stop intersections” re: Center & Middle Streets intersections*

The Committee briefly reviewed the Traffic Commission’s findings and positive recommendation that a stop sign be posted at the intersection of Middle and Center Street for northbound traffic. The minutes of the meeting indicated that a stop sign had been at that location previously and had been removed due to slippery conditions in winter.

**Councilor LeBlanc** said from his experience with the great deal of traffic travelling Middle Street, a stop sign was appropriate. **Councilor Theken** expressed her concern, but would send this to public hearing adding that the Council can give this a try and if it is not working an order could be put forward to remove it.

**MOTION: On a motion by Councilor LeBlanc, seconded by Councilor McGeary, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council to Amend the GCO c. 22, Sec. 22-269 (Stop Intersections) by ADDING Center Street, northbound traffic on Center Street at the intersection with Middle Street; AND FURTHER TO ADVERTISE FOR PUBLIC HEARING.**

7. *CC2013-051 (LeBlanc) Amend c. 22, Sec. 22-200-22-209 “Reserved of the GCO to amend by Adding new Section 22-200 entitled, “Reserved Parking Space for Bridge Draw Tender” TBC 11/18/13*

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:51 p.m.**

**Respectfully submitted,**

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

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