

Ordinances & Administration Committee

Monday, November 10, 2014 – 6:00 p.m.

1st Fl. Council Committee Room – City Hall**-Minutes-****Present:** Chair, Councilor Robert Whynott; Vice Chair, Councilor Sefatia Theken; Councilor Bob Stewart**Absent:** None.**Also Present:** Councilor LeBlanc; Councilor Verga; Linda T. Lowe; Assistant Police Chief John McCarthy;

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council. When Councilor Verga left the meeting at 6:30 p.m. and there was no longer a quorum of the Council. Councilor LeBlanc left the meeting at 6:35 p.m.

1. Reappointment: City Hall Restoration Commission TTE 02/14/17 Craig Herrmann

The Committee confirmed with Mr. Herrmann that he wished to remain on the City Hall Restoration Committee and that he had submitted his State Ethics Test Certificate with the City Clerk's Office. **Mr. Herrmann** mentioned there may be more state funding coming forward to aid in the funding of the City Hall restoration and discussed that briefly with the Committee. **Councilor Theken** encouraged Mr. Herrmann to have the Commission pursue any grant funding that would assist the Commission in their mission.

MOTION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council reappoint Craig Herrmann to the City Hall Restoration Commission, TTE 02/14/17.

2. Review of Recent Animal Control statistics

Assistant Police Chief John McCarthy said that he discussed with the Chief, and that he would not give input on the ordinance itself. The graduated fine schedule proposed for dogs running at large would be a problem for the department, he pointed out. He explained it is a non-criminal fine which is paid at the Treasurer's office at City Hall. The Animal Control Officers in the field have no way to know whether it is a dog owner's first or second offense, and even via radio system they would still be unable to find that information because the state system doesn't keep a record of non-criminal offenses. He reviewed it would take a great deal of effort by returning to headquarters to look up the information, go to the court system and check for appeals, etc. He said that the department would work with whatever the ordinance is, but they were asking there be only one flat fine, not a graduated fine.

Councilor LeBlanc said that they should recommend the fine for running at large be a flat \$50, and would bring the amendment forward at the public hearing.

Councilor Verga said he agreed with Councilor LeBlanc and that \$50 is enough to get people's attention.

Councilor Whynott also agreed adding that if the fine is too high it would be difficult to enforce.

Police Department Animal Control statistics related to dogs spanning April to November 2014 were then briefly reviewed (on file) by the Committee with **Assistant Chief McCarthy** (a summary of the statistics will be provided to the Council for the 11/18 ordinance public hearing). It was noted the new Animal Control officer started on October 5. **Assistant Chief McCarthy** noted that the hospital is required to report dog bites as part of the discussion. The department's computer system was changed in January, and the Animal Control Officer was the last person trained on the computer system, so there is still some catching up with inputting data. He noted that the average police officer handles 500 calls a year and that a Gloucester Animal Control officer handles about 2,000 calls a year.

3. CC2014-039 (Verga) Request P&D & O&A Standing Committees review the positions of Harbor Planning Director and the Executive Director of the Fisheries Commission (Cont'd from 10/06/14)

Councilor Verga noted that the Fisheries Commission has been asking for some time that the position of Executive Director be reinstated. With the recent departure of the Harbor Planning Director, it was a good time to review both positions and reassess to see if there was a way to combine the positions, perhaps, or have two part-time positions. There should be day-to-day contact for the industry, he added, given the current conditions and that

volunteers can't be expected to stay on top of all the regulatory changes and outreach that is necessary for the city. He said the Administration seems disinterested in the Executive Director position, and he noted that the Mayor said she would hold off on the filling of the Harbor Planning position, but didn't mean necessarily they would review the position itself.

Councilor Theken emphasized it is a crucial time for the fishing industry and that there should be someone in the Executive Director position. She discussed the history of the position with the Councilors and its funding and said that it is not fair to have a volunteer put in 40 hours a week with no remuneration. Members on the Fisheries Commission, she pointed out, are diverse from the city's working waterfront. Fishermen need to fight what is going on in order to be able to fish, she pointed out. She urged that there needs to be someone to fight for the city to keep the city's fishing fleet viable. **Councilor Stewart** expressed his agreement that there needs to be a person to speak

Councilor Whynott reviewed the previous funding methods for the position going back to 1976.

Councilor Verga pointed out the funding for the Harbor Planning Director was coming from the Seaport Bond Council in part and from the city's General Fund in part. He pointed out that the only power the Council and the Fisheries Commission has is to review the job description for the Fisheries Commission's Executive Director as there has been great changes in the industry over the last 20 years.

Councilor Theken suggested that there needs to be a combined position that anyone who becomes the Harbor Planning Director has to spend at least 20 percent of their time working for the Fisheries Commission.

Councilor Whynott urged that there has to be someone from the city who can go to Washington, DC and fight on behalf of the city's fishing industry especially at such a crucial time. **Councilor Verga** said all the Council can do is to look at the job description and suggest how it might be revised. He suggested that the Fisheries Commission be asked to look at the job description and receive their suggestions for the Committee's consideration. He noted that it is difficult without an Executive Director to call meetings and post agendas, etc.

MOTION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to ask that the Fisheries Commission review the job description of the Executive Director of the Fisheries Commission in order to make a preliminary recommendation, and to forward that preliminary recommendation to the O&A Committee by March 2, 2015, and that they would also recommend whether they believe that the Harbor Planning Director position be combined with the Executive Director of the Fisheries Commission.

4. *CC2014-044 (McGeary) Amend GCO Chapter 22, Sec. 22-270 "Prohibited parking at all times" re: Mt. Pleasant Avenue*

Councilor Whynott explained that this matter has yet to be taken up with the Traffic Commission that will meet Nov. 20. This matter will be continued to the next O&A Committee Meeting.

This matter is continued to December 8, 2014.

5. *CC2014-045 (McGeary/Cox/Lundberg/Fonvielle/Theken) Amend GCO Chapter 2, Article V. by adding a new subsection re: The Linzee Coolidge Philanthropy Award Committee*

After a brief review of the Council Order, **Councilor Stewart** asked that the following questions:

- How often would the Linzee Coolidge Philanthropy Award be given?
- Did a recipient have to be a "resident" of Gloucester? (proposed ordinance says, "citizen")
- Why isn't a Councilor a member of the Committee?
- Do extraordinary services rendered on behalf of the community count as well as monetary contributions for consideration as a possible medal recipient.

At the request of the Committee the Clerk of Committees was instructed to forward these questions to General Counsel.

This matter is continued to December 8, 2014.

6. *CC2014-047 (Verga/Lundberg/LeBlanc) Amend GCO Sec. 22-153 "Privately owned open-air parking spaces"*

Linda T. Lowe, City Clerk, provided background information to the Committee explaining that due to the recent renewals of the city's two open-air parking lot permits, it came to the Planning & Development Committee's attention that there is a need to update and amend the section of the ordinance that governs the permitting process. She noted that there is no change in the fees associated with the license and permitting, but that this outlines more succinctly the permitting and renewal process. Of note is subsection (3) which now shows that the City Council will hold a public hearing every five years to determine if the license should be reissued for another five-year term, and that the parking lot applicant/owner is responsible for notifying the abutters of that public hearing.

Angela Procaccini, an open air parking lot permit holder, asked for clarification on the proposed amendments to the Code of Ordinances related to Sec. 22-153, saying she understood it is possible to transfer an open air parking permit, but it says licenses are non-transferrable. **Ms. Lowe** explained it doesn't mean the license can't be transferred; a person can come to the Council and ask that the license be granted to them, but that the permittee can't transfer the license. Just because the permit transfers with the property, it doesn't mean that the license transfers automatically through the permittee, **Councilor Whynott** added. Whomever the permit holder would want the permit to go to; they would still have to come forward with that request to ask for the Council's to grant the license to them.

Ms. Procaccini also expressed her hope that the Council would support the ordinance amendment. She then referred to her communication by email to the Committee (on file) and commented that she would continue to do a good job with her parking lot permit. She thanked the Committee, the Clerk of Committees and City Clerk for their support and access.

MOTION: On a motion by Councilor Theken, seconded by Councilor Stewart, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO c. 22, Sec. 22-153 'Privately owned open-air parking spaces by DELETING the entire section and adding a new Section 22-153 as follows:

(a) *Authority to grant license and compliance with zoning.* The City Council is authorized to grant licenses for the conduct or maintenance of open-air parking spaces, pursuant to MGL c.148 §56 following a public hearing as specified in subsection (e) of this section. Applicants for a license under this section must first obtain any necessary zoning relief required by sec. 2.3.6 (1) or (2) of the Zoning Ordinance for parking lots or obtain certification from the Building Inspector that no such relief is needed. Any applicant who does not own the premises shall provide written permission of the property owner with the application.

(b) *Contents, limitations, suspension and revocation of license.* Every license issued under this section shall specify the premises to be occupied by the licensee as shown on a plan to be submitted to the City Council and shall be subject to all the provisions of MGLc.148 §56. The license may be suspended or revoked by the City Council and the Fire Chief after notice and a public hearing. Licenses shall be non-transferable.

(c) *Penalty for engaging in business without a license.* Any person or entity who engages in the business of conducting an open air parking space without the license required herein shall be subject to the penalty of \$300 as provided in MGL c.148 §56.

(d) *Fee for open-air parking.* The fee for the initial license granted shall be \$100 plus an additional \$10 for each parking space and said license shall expire each year on April 30th and be renewable on a yearly basis for the same fee.

(e) *Review by City Council and Public Hearing.* The City Council shall hold a public hearing every 5 years to determine if the license shall be reissued for another 5 year term with 7 days' notice to abutters to be given by the parking lot applicant/operator.

This matter will be advertised for public hearing.

A motion was made, seconded and voted unanimously to adjourn the meeting at 6:50 p.m.

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

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.