

CITY COUNCIL STANDING COMMITTEE
Ordinances & Administration
Monday, July 12, 2010 – 6:30 p.m.
1st Fl. Council Conference Room – City Hall

Present: Chair, Sefatia Theken; Vice Chair, Ann Mulcahey; Councilor Greg Verga (alternate)
Absent: Councilor Tobey
Also Present: Councilor Hardy; Councilor Verga; Linda T. Lowe; Henry McCarl; Robert Hastings; Kathy Cuddyer; John Orlando; Russell Hobbs; Roslyn Frontiero; Brenda Fogarty; Damon Cummings; Carmine Gorga

The meeting was called to order at 6:34 p.m. Items were taken out of order.

1. Unfinished Business

A) Reappointment: Henry McCarl, Planning Board, TTE 02/14/2015

Councilor Theken asked that Mr. McCarl took his State Ethics Exam and that it was on file, which he affirmed, and was reminded of the new Open Meeting laws.

Councilor Verga stated he was impressed with Mr. McCarl, his knowledge and expertise.

Councilor Mulcahey asked how Mr. McCarl viewed his role on the Planning Board.

Mr. McCarl responded he saw himself as an elder statesman.

Councilor Mulcahey stated her thanks on behalf of the community for his service as did the other Councilors.

MOTION: On motion by Councilor Verga, seconded by Councilor Mulcahey, the Ordinances & Administration Committee voted 3 in favor, 0 opposed to recommend to the City Council the reappointment of Henry McCarl to the Planning Board, TTE 02/14/2015.

B) CC2010-023 (Tobey) Amend GCO Sec. 22-289 re: Main Street Parking Time Limits (Continued from 06/28/2010)

Councilor Theken explained to those present the Committee wished to solicit the opinion of the various organizations and downtown merchants who had a stake in the matter of removing parking meters on Main Street between Flanagan Square and where it intersects with Washington Street, as well as possibly instituting an anti-shuffling ordinance.

An email from **Councilor Tobey** stating he was unable to attend the meeting due to an out-of-state business commitment was read into the minutes as follows:

“I hope the discussion on downtown parking proceeds, however – we don’t need General Counsel’s feedback on the anti-shuffling ordinance in hand to get feedback from all the folks who will be coming tonight. I do ask that the following information be gathered for the follow-up O&A meeting that consideration of this item will require, and it reflects everyone’s concern that we can’t afford to give up the Main Street meter revenue.

1. Given the data that has been gotten for the revenues from those meters in recent weeks, how much do we stand to lose if we cut them down (We know what percentage of all meter revenue they were in those weeks – assuming that percentage is a constant year round, how much of the year’s revenue do we figure flows from Main Street meters?)?

2. What is the total valuation of all the properties on Main Street “served” by meters, and how much real estate tax revenues to they generate per year.”

Councilor Theken reviewed for those gathered the removal of parking meters with free two hour parking and the anti-shuffling ordinance. She explained there was a State law that allows anti-shuffling and explained the process that one can park then move 500 feet and not receive a ticket. She noted the new tracking devices that will help in this.

Robert Hastings, 196 Main Street, Executive Director, Cape Ann Chamber of Commerce believed parking to be critical to downtowns and its success; with all downtowns having the same issues. In terms of parking in the downtown, it’s human nature for people to want to park as close as possible to their destination. In malls they don’t care; they’ll park at the furthest spot possible at Christmastime, in the worst conditions. But if they have to park 10 spaces from a local store, they’ll go away. The goal is to try and keep those spaces open. In all cases, in the communities he has served, he stated, “we have seen the enemy; it is us.” It’s the merchants and the employees and the people living and working on the second floors (business people, lawyers, etc.) who are the ones who create an issue. He suggested a meter should turn four to five times in the course of a day. If you have a store taking four or five spaces, and there are such stores that do that, and take them out all day long, you’re losing 20 to 25 visitor/shopper trips a day. He felt it was important to get control of that so that the downtown can succeed. If you don’t get control the parking, the downtown will dry up and ‘blow away’, ending up with second-rate stores and low rents. The last community he was in had a similar downtown size. They had no parking meters. They aggressively chalked every two hours, but people were moving up a space or two and so they instituted a shuffling ordinance, which he spoke to Councilor Tobey about. It was two hours of parking, and you couldn’t park within 500 ft. of where you had previously parked. He thought the shuffling ordinance worked well and would be enforceable. Parking enforcement will get to know the scofflaws. He believed there is a problem. They [merchants and their employees] can park in other lots and free up spaces for visitors to the downtown.

John Orlando, 112 Essex Avenue, Chair, Downtown Development Commission noted his Commission hadn’t met yet in July and as they haven’t voted about the issue, he couldn’t speak for them as a group. However, he was not in favor of taking the meters out. With regard to allowing free parking, he spoke of Myrtle Beach where they allow 5 minutes of free parking. The meters were set up that way in order to get change. You pressed a button which told the meter maid you were looking for change and then you could pay by credit card as an option. He’s not sure how two free hours at a parking meter would work. He saw meters on Main Street as necessary. Every parking space would have to have a two hour parking limit sign added. He believed parking meters to be absolutely necessary as well as enforcement of the present ordinance which says there’s two hour parking. Once that two hour parking has been violated, you get a ticket. When parking enforcement comes back to that space, and the vehicle is still there, it gets another ticket. After the second ticket, it is an automatic tow. This ordinance came about quite some years ago. A merchant or an employee isn’t going to do it twice if they’re towed. They will then park at the 10 hour meters. The City already provides a mechanism which is a parking pass at any 10 hour meter all day long for \$40.00/month. There is a mechanism and an ordinance in place. All it needs is enforcement. He agreed with the [institution] of a shuffling law which made good sense to him as well.

Councilor Theken noted the anti-shuffling law would only encompass from Flanagan Square to Main Street’s intersection with Washington Street. She also relayed information from an email by Jeff Towne (previously on file) giving the Committee and those gathered the coinage totals from meters over the weeks of May 20, May 27 and June 3, 2010 totaled \$9,056.65, as well as parking violation tickets issued (435) during the weeks of 5/17-6/3/2010 totaling \$6,610.00. She felt it was important that the money from meters was money that was supposed to be going to the downtown. She observed that shuffling is getting worse. Because of shuffling you can’t tow – if you move 501 feet, there’s no opportunity to ticket twice. This is not just restaurants it’s salons and other service-based businesses that have expressed their concerns about the two hour limit.

Mr. Orlando asked if the non-merchants are aware of the locations of the 10 hour meters.

Councilor Theken asked if the DDC or the Chamber had the lists of the 10 hour meters locations. If they had them she asked they distribute them, noting the City has limitations; and this would be an ideal thing for their groups to spearhead an effort on. Perhaps a friendly reminder to the merchants and residents of downtown from the DDC or the Chamber of Commerce; working together to help the situation. Maybe they'll see a difference before even such an anti-shuffling ordinance goes into effect. She asked Mr. Hastings, Mr. Orlando and Ms. Cuddyer to please attend the July 26th meeting of the O&A Committee when the matter will be taken up again.

Mr. Orlando stated that they used to have a parking brochure that they'll try to get out to the merchants.

Councilor Mulcahey stated that if there is two hour parking she did not wish to consider it. The money will be lost and will mean cuts elsewhere. Further, the City has these parking permits available for the retailers for years, and very few take advantage of them.

Mr. Orlando stated the City doesn't promote them. Anyone can purchase the parking passes.

Councilor Mulcahey felt they should be touted.

Kathy Cuddyer, Downtown Improvement Commission (DIC) reviewed for the Committee about their accomplishments in beautifying and decorating the downtown stating if this money [from the meters] was to go away, downtown would be a blank because the DIC uses these funds for improvements. She wished to not see the meter money go away. She noted their group was sending letters out to all the downtown to educate everyone about this matter.

Damon Cummings 1063 Washington Street, related his observations while waiting for a bus downtown; that people leave Main Street by 8:30 a.m., and all the spaces fill up by 9 a.m.; the stores aren't open. It's employees taking those spaces. There's no place for anyone to park.

Mr. Orlando felt if they give two hours for free, it gives those people (employees) an extra two more hours to park.

Councilor Theken stated they want to give folks a break. She understood other communities do similar things, like Cambridge or Newton. But she felt Gloucester wasn't like those communities and was different; it was important to do what was right for Gloucester not what was right for other communities. She felt change needs to originate from the Gloucester side of the bridge. She urged giving employees incentive to park at the 10 hour meters. If they're not selling enough parking permits, perhaps the fee for them should be lowered to \$35.00 or \$30.00 as a financial incentive to use the 10 hour meter parking area(s). St. Peter's Square is for anyone, and is right around the corner.

Mr. Hastings stated if people aren't buying them [the parking permits], by dropping the price by \$10, perhaps they'll buy them. If you sell twice as many permits at \$30, then you are ahead and the spaces open up.

Councilor Theken agreed.

Mr. Hastings stated it's also their [businesses and business organizations'] job to educate the employees.

Ms. Cuddyer observed the parking situation has gotten worse this year.

Mr. Orlando stated almost every space is filled in the West End. They have occupancy and heavy traffic. It's a matter of control and enforcing the ordinances that are already there which was a good sign. Parking is at a premium; and felt in order to maximize the spaces there meters are needed. He didn't want the free parking for two hours and offered if you want free parking; don't start the meters until 10 a.m.

Councilor Theken advised those gathered that they would have the proposed ordinance on shuffling for the next meeting allowing it to be forwarded to the Traffic Commission and the Committee to review; and would look to the merchant groups to come up with the list of the 10 hour meters and the long-term parking areas.

This matter was continued to July 26, 2010.

C) CC2010-011 (Hardy) Order that City Council review the current Rules of Procedure (Continued from 06/28/2010)

Councilor Hardy discussed with the Committee the proposed changes to the current Rules of Procedure for the City Council (documentation on file). She highlighted for them some of the changes including some that Councilor Verga had submitted. She informed the Committee she would make the revisions on the documentation provided to the Committee that evening so that the revisions can be distributed Clerk of Committees to the Committee.

- D) CC2010-019 (Verga/Whynott) City Council to investigate the possibility and procedure to consolidate polling locations (Continued from 06/28/2010)

Linda Lowe, City Clerk stated so far she had only heard from one of five ward councilors. She suggested an email go out to the Councilors to see what the statuses in their Wards were on the issue. **Councilor Theken** noted the only update she's received was from Councilor Verga so she will asked Ms. Lowe to send a memo to them and also to the At-Large Councilors to see if they could pair up with the Ward Councilors to help them. There couldn't be a public hearing on the matter until they knew what the suggestions were for consolidation.

Councilor Hardy asked what the parameters are and what could they suggest to their constituents. **Ms. Lowe** reviewed the information given in an O&A meeting a while back as to limitations, and noted maps of the wards were made for the Councilors for their use during their discussions with their constituents showing which precincts can be joined. She suggested showing the map at the Ward meetings and then explore suggestions as to where a polling place would be located that would accommodate the voting public.

Councilor Theken suggested the Ward Councilors contact Ms. Lowe to discuss what they can and cannot do regarding consolidation before they hold a Ward meeting.

Councilor Hardy asked what is contiguous and what is not. How many can they reduce the ward precincts to?

Ms. Lowe explained they can't go down to one polling place for the City. The maps show exactly what the precinct boundaries. As long as there are common boundaries that are touching precincts especially in Ward 3, both of its precincts and Ward 5, you can combine quite a bit, if people chose, down to three voting places. You can't go to one. Depending on what places have contiguous boundaries can be consolidated; and then it also depends on where you can actually vote, the polling places themselves. There are only so many large, available places such as the high school which has suitable.

Councilor Verga noted for the audience that there are 10 precincts in five wards. The former Assistant City Clerk now in Easton as City Clerk took that town from five polling places to one. A town can go to one. The limitation of a City is that the precincts must touch in order to be consolidated. Every ward can be consolidated to one. The most overall the City could reduce their polling places to would be to three. Is it more efficient, more economical? The machines have to be maintained separately for each precinct.

Ms. Lowe stated the ADA machines can be reduced numerically.

Councilor Verga stated some wish to do this; some don't. The idea is to float this.

Councilor Mulcahey asked if they could just be happy with five wards with one voting place each.

Ms. Lowe stated that the polling places – you're not changing the precinct system, you're just consolidating them to fewer places because of cost and efficiencies and safety. There are a number located at schools and the parking is limited and sometimes dangerous because of those limitations. McPherson Park has no parking there. It is a concern. The idea is to consolidate to more central and accessible locations.

Councilor Hardy stated herein laid the problem – accessibility.

Councilor Theken stated this is why this has been continued for a while because it is not an easy thing to do and that it takes time to build consensus. She felt it is up to the Ward Councilors. She would await their input and didn't wish to make a decision until she had it; noting Councilor Hardy did speak about it to her ward and found there were issues with her seniors. She didn't see it happening anytime soon.

The matter was continued to September 20, 2010. The Clerk of Committees was to remind the Councilors.

2. COM-033: Letter from Citizen Group “Who Decides?”

Russell Hobbs, 1166 Washington Street noted the signed letter in the Councilor’s packet and the copy of the Gloucester Public Water Ordinances. “Who Decides?” was not the group for the Special City Council meeting on July 27th. He read the letter that he hand delivered to Council President Hardy (on file) noting the Gloucester Public Water Systems Ordinance attached to their letter which the group would like to see instituted and read it into the record:

“City Council President Hardy:

Who Decides? is an organization of tax paying, law abiding citizens concerned with the quality and protection of our local drinking water systems. We believe that the water belongs to the people, and that the residents of the City of Gloucester have the right to clean and affordable water and the duty to protect the ecological systems which support our water resources and communities.

Gloucester has been courted by major corporations to sell its water because, as we know, water is one of the hottest commodities on the market today. However, selling water resources and infrastructure eventually leads to lower water quality and higher rates. We seek to become part of the process that will accurately inform the public and determine what will become of our water communities while protecting and preserving our watersheds for future generations which is paramount to the pursuit of life, liberty, health and happiness. We hope to be a part of a conscious effort to rebuild and plan to maintain our infrastructure responsibly.

We, the Gloucester members of *Who Decides?*, ask to open and participate in the discussions, offer solutions, provide for protections and assist in decisions that will help keep water in our residents hands, flowing fresh, clean and affordable. To this end, we request an audience with the full City Council as an agenda item in order to examine the current City of Gloucester Water Ordinance and introduce and begin the process of revising the current ordinance with an updated Gloucester Public Water Systems Ordinance that will protect and secure this, our most basic and essential right.

Thank you for your consideration in this important matter.”

[Note: This letter was signed primarily by Mr. Hobbs as well as 10 members of their group.]

He noted this has been created over a great deal of time by the group. Large corporations know the value of water, “blue gold”. The resources are limited. 1% of the world’s water is drinkable. This ordinance that they drafted, having looked in the Gloucester Code of Ordinances on water, showed nothing in the water ordinances that protect the rights of the people – all the citizens of Gloucester. They all have a vested interest in this water. They have the right to maintain it as theirs. Someone came into the Mayor’s office wanting to buy the City’s water supply. It is up to the people to bring forth to the elected officials to know what they want, and how they want them to understand them. This ordinance is not saying that our elected officials are bad; this is saying this is an important issue and needs a close eye to be kept on it. They believed we (the City) need to keep this in our hands. He then read the Gloucester Public Water Systems Ordinance proposed by *Who Decides?* attached to the letter submitted to Council President Hardy (on file) and read it for the record:

“GLOUCESTER PUBLIC WATER SYSTEMS ORDINANCE

Section 1. Name: The name of this Ordinance shall be the “Gloucester Public Water Systems Ordinance.”

Section 2. Preamble and Purpose: The People of the City of Gloucester declare that access to clean and affordable water is essential for life, liberty and the pursuit of happiness – both for the health of the people and for the ecological systems which support human and natural communities – and therefore, that it is right belonging to the people of the City of Gloucester. We believe our rights are threatened when public water systems which guarantee that access are controlled by a corporate few, rather than our community. We believe that privatization of that infrastructure constitutes a usurpation of our democratic right to make decisions about that infrastructure, and therefore, that we are duty bound under the Massachusetts Constitution to prohibit such action.

Section 3. Statement of Law: Public water systems and the infrastructure necessary for distribution of public water supplies within the City of Gloucester shall be owned by the City of Gloucester or a municipal authority of the City, held as part of the public trust for the residents of the City of Gloucester and the ecosystems within the City of Gloucester.

Section 4. Statement of Law: It shall be unlawful for public water systems and/or public water system infrastructure within the City of Gloucester to be owned by any entity other than the City of Gloucester, unless a proposed transfer of an ownership or other financial interest in that system or infrastructure is submitted to a **referendum** vote of the people of the City of Gloucester, and approved by them.

Section 5. Effect: This Ordinance shall be effective immediately upon its enactment.

Section 6. Repealer: All inconsistent provisions of prior Ordinances adopted by the City of Gloucester are hereby repealed, but only to the extent necessary to remedy the inconsistency.”

Councilor Verga stated it was an interesting approach; and what would the appropriate process for a citizen referendum.

Ms. Lowe responded the referendum is in the City Charter. It would be worthwhile to get an opinion from the City’s Legal Department for review and language. Ordinance can’t overrule the Charter. It would be worth getting an opinion from the Legal Department on whether an ordinance may require a referendum.

Councilor Verga appreciated the intent and suggestions.

Councilor Hardy received an email from Councilor Tobey regarding the matter and read it into the record:

“I support this ordinance wholeheartedly and would ask that it be referred to General Counsel for any fine-tuning required from a drafting point of view.”

Councilor Hardy also asked about a referendum stating this Council can create an ordinance and another City Council can change it. If it goes as a referendum then only the people can change it.

Mr. Hobbs asked if it would be legal to put it on the ballot.

Councilor Hardy stated the idea to create the ordinance and at the same time have the referendum would be an appropriate path to take.

Mr. Hobbs stated he’d like to see both done in parallel.

Councilor Theken thanked Mr. Hobbs for clarifying the issue for her, noting 95% of the room was in attendance for this issue. She wanted to be sure it goes to General Counsel and the language is correct and then have it go to referendum.

Councilor Verga asked when it would go to referendum.

Ms. Lowe stated a referendum would have to go on the 2011 municipal election ballot.

Councilor Hardy suggested they move in parallel; and if the City Council approves the ordinance she felt his Council would not likely to change it. By the time the Council changes, the referendum would be before the voters.

Carmine Gorga 87 Middle Street stated a corporation who would purchase the City’s water supply in the short term may be a good thing but asked then what happens the day after. The quality of the service will

go down and then the price goes up. It was the dynamics of the situation. It will be a key discussion. He urged the Councilors not be fooled; and to keep their eyes on the whole situation.

Councilor Theken agreed it could be a scary proposition, and appreciated Mr. Gorga's point.

Rosalyn Frontiero, 12 Beacon Street, Chair of Who Decides, stated she had hoped Councilor Tobey would be here tonight because of his work with MMA Infrastructure Finance Commission and his water experience in his profession. She requested that he have a local discussion with the public about the matter of water in Massachusetts. It was her understanding that Massachusetts is a model for the rest of the country. Their group was looking to Councilor Tobey with his background and knowledge to work with the public.

Councilor Theken stated she can't order him to do so, but suggested Ms. Frontiero should contact Councilor Tobey directly via email.

Ms. Frontiero stated her group meets weekly about water for sale and water quality. They would like to do the best they can to protect their water system in the future.

Councilor Hardy stated she was invited by Ms. Frontiero and Mr. Hobbs to see a video about water, feeling spoke volumes on the issue.

Ms. Frontiero stated they have tried to create awareness through the movies and have guest speakers, top water experts in the world. If Gloucester would like to have them here, they can arrange that, stating it was time to work together; that she saw this City Council and Administration as most functional in years.

Councilor Theken asked if they had approached the Mayor to have an independent meeting at the Kyrouz Auditorium or the Library.

Ms. Frontiero stated they want to have it on cable but there is a cost associated with it. They do have access to the cinema. She would host for the Councilors and for any other public official to see the movies and have a public discussion there.

Councilor Theken suggested they try to hold it in Kyrouz Auditorium in City Hall.

Ms. Frontiero noted they're in need of support. It is not the fault of any public official – it is time for citizens to take part.

Councilor Hardy stated this is to protect the water supply from being sold.

Ms. Frontiero stated that the movies also address what public officials go through in this process in order to protect the water supply.

The matter was referred to General Counsel for language to be returned to the Committee for reconsideration at their August 23, 2010 meeting.

3. CC2010-047 (Curcuru) Amend GCO Sec. 22-270 "Parking Prohibited at all times" by adding 5 Wells Street to intersection of Beacon Street

Councilor Theken stated this matter would be continued until a recommendation was forthcoming from the Traffic Commission and would then be placed on the agenda for action by the Committee.

4. CC2010-048 (Verga) Amend GCO Sec. 22-270.1 "Resident Sticker Parking Only" re: areas at Lexington Avenue/Shore Road

Councilor Theken relayed to the Committee that Councilor Verga had sent two pictures of the parking situation around the intersection of Lexington Avenue and Shore Road (on file).

Councilor Verga discussed with the Committee the traffic problems of the immediate neighborhood of Lexington Avenue in and around Shore Road of parking on both sides of the street, making navigation of the road difficult for residents as well as access to their homes.

Brenda Fogarty, 27 Shore Road, Magnolia, noted the parking at the corner of Shore and Lexington spoke to the continuous parking problems that restrict their neighborhood. People arrive in trucks and out-of-state RV's. They are looking for a seasonal ban for non-resident parking. She also referred to the photographs submitted to the Committee as proof of the problem that exists there.

Councilor Theken commented our community is beautiful and attracts so many people, but there is a lack of respect of the City itself and its residents, inhibiting their ability to enjoy their own neighborhoods. She felt something in place in order for it to be enforced would be appropriate.

Mr. Orlando stated that the City didn't have the signage for RV parking, or a plan for an RV parking area. He felt there was a need to create a plan to accept RV's, which would help.

Councilor Theken stated it is a dilemma. It's nice to let folks know where they can go to park. Perhaps they can have one day parking pass.

Councilor Verga made clear, that like the other ordinance amendments that have been passed recently, this would be for any resident who could park on these streets with a resident beach sticker. He it was a start to alleviate some of the neighborhood's parking problems.

The Committee discussed possible motions to help alleviate the concerns of the neighborhood.

The matter was continued awaiting the Traffic Commission recommendation and would take the matter up at their August 23, 2010 meeting.

Mr. Orlando stated part of the problem was communication. There will be a new City website. But who can you call? There is no one at the helm to call and relay that information. Everything was diverted to the Tourism Director. There's no one person you can call; no clearing house so to speak.

Ms. Lowe responded to comments by Councilor Theken and Mr. Orlando about getting information out to interested people that the City Website was in the process of being improved; the DDC would be welcome to be placed on the website, as all the Boards and Commissions will. The maps and brochures can be placed on there for greater public access to information especially regarding parking.

Mr. Orlando asked how to get signs back that were previously in place, specifically arrows pointing the way to the Visitor's Center. They all go to the Chamber of Commerce. They've been asking for months.

Councilor Theken asked that a memo go to the DPW, with the following information:

There is a green sign that says Visitor Center just before Kent Circle and then another at the end of Kent Circle where arrows indicating the way to the visitor center should be located, (on Rt. 133 just before the right onto Rt. 127, Western Avenue). There is another green sign that is pointing in the wrong direction and needs to be pointed towards the visitor center at that stop intersection.

A motion was made, seconded and voted unanimously to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

Dana C. Jorgenson
Clerk of Committees