

Ordinances & Administration Committee
Monday, June 6, 2016 – 6:00 p.m.
1st Fl. Council Committee Room – City Hall
-Minutes-

Present: Chair, Councilor Steve LeBlanc; Vice Chair, Councilor Jamie O’Hara; Councilor Sean Nolan

Absent: None.

Also Present: Councilor Gilman; Donna Leete

The meeting was called to order at 6:01 p.m.

1. A. New Appointments:

Waterways Board Liam O’Connell TTE 02/14/18 (Cont’d from 5/16/16)

Mr. O’Connell was unable to return from out of state in time to attend this meeting, **Councilor LeBlanc** reported, and so continued the matter of the appointment to the Waterways Board to the next regularly scheduled meeting.

This matter is continued to June 20, 2016.

2. CC2015-044 (Verga, Cox) Amend GCO Sec. 9-12 re: Prohibition of plastic checkout bags (Cont’d from 05/16/16)

Councilor LeBlanc said Councilor Cox asked this matter be continued to June 20, 2016.

This matter is continued to June 20, 2016.

3. CC2016-015 (Cox) Request O&A review & recommend the matter of prohibiting the use of polystyrene food & beverage containers or serving items for food service establishments if the packaging takes place on the premises of food service establishments & recommend whether an ordinance on polystyrene food & beverage containers be adopted (Cont’d from 05/16/16)

This matter is continued to June 20, 2016.

4. CC2016-002 (Cox) City Council requests the Traffic Commission to conduct a study of tractor trailer parking on Rogers Street (Cont’d from 02/01/16)

Councilor Cox conveyed to the Chair that the matter of the traffic study on tractor trailer parking on Rogers Street will go back before the Traffic Commission at their June meeting, and she asked that the matter be continued to July 18.

This matter is continued to July 18, 2016.

5. CC2016-021 (Cox) Amend GCO Sec. 22-280 “Fifteen-minute parking” re: Maplewood Avenue

Councilor LeBlanc reported that at the last Traffic Commission meeting, the Commission agreed the 15 minute parking area, established for a now defunct business located just after Gloucester Auto Body at 55 Maplewood Avenue on the right-hand side just before Cleveland Street, and should revert to the same parking regulations that surround that particular area of Maplewood area.

COMMITTEE RECOMMENDATION: On a motion by Councilor O’Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council Amend GCO Sec. 22-280 “Fifteen-minute parking” by DELETING: “Maplewood Avenue, easterly side from a point 58 feet from its intersection with Cleveland Street in a southerly direction for a distance of 22 feet.”

This matter will be advertised for public hearing.

6. CC2016-024 (Memhard) Request Traffic Commission perform a speed study on Beach Road to determine whether to reduce the speed limit and whether the city should petition MassDOT for approval

Councilor LeBlanc advised that Councilor Memhard from whose request this matter stemmed from was unable to attend the meeting. He read an email from Councilor Memhard from this morning, and that a traffic study has been conducted and another will be done during peak beach season. It was noted by the Councilor that there are no sidewalks and that there is heavy summer pedestrian traffic. He said this request to MassDOT to lower the speed limit made sense.

Councilor O'Hara said this time of year there is heavy foot traffic on Beach Road, and that lowering the speed limit is a public safety issue. **Councilor Nolan** added that a second speed study done during the peak summer beach season will be helpful in order to give a better picture of what is happening on the roadway as the first speed study was done in the winter when traffic is light on Beach Road.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council forward a letter to MassDOT requesting that the speed limit be reduced on Beach Road from 25 m.p.h. to 20 m.p.h. and that such letter be accompanied by two speed studies and a Certificate of Vote of the City Council.

This matter will be heard under Committee Report at the Special City Council meeting 6/7/16.

7. CC2016-026 (Gilman) Amend GCO by adding new sections 22-161.1 & Sec. 22-275.1 and amending Sec. 22-275.1, Sec. 22-291 and Sec. 270.1 re: Washington St. southerly side of the intersection of Tucker Street for a certain distance

Councilor Gilman explained that concerned residents of Lanesville and business owners have long complained of the parking concerns of business owners that are created when quarry goers take up customer spots for long periods of times during summer months. **Councilor Gilman** noted that Brett Clayton, owner of the Lanesville Package Store and Lanesville residents, Bob McKown and Valerie Nelson were noted in attendance. She pointed out that over the years a lot of quarry users' park in the "business district" of Lanesville located on Washington Street. Frequently these vehicles are parked on both sides of the street all day, she pointed out, which is inhibiting business and keeping the immediate area residents from access to parking. This particular area also has a U.S. Post Office. She noted there is 15 minute parking on one side of Washington Street, and no parking restriction on the other side. This initiative she is bringing forward, she said, is to cover the area from May 1 through September 15, on one end of the Washington Street stretch from the U.S. Post Office and the Grid and another where the Lanesville Package Store is located -- and in between there is a string of six parking spaces which will be earmarked "resident sticker parking only, May 1 through September 15. Those spaces are important to those homeowners in the Lanesville business district, and this set up will help with parking enforcement, she pointed out. She advised that Assistant Police Chief McCarthy helped to see that police enforcement has stepped up those vehicles in violation of current ordinances, but with no real parking restrictions in place in this particular area, there is nothing the police can really do. She said in speaking to all the residents and business owners in that particular strip of Washington Street, they have expressed their supportive for this initiative. She noted that Mr. Clayton had requested the start time of the parking restriction be 8:00 a.m. not 9:00 a.m. as shown in the Council Order, and the Traffic Commission at its last meeting said it had no issue with that time change. She said she had received a suggestion by the manager of the Lanesville Package Store to start at 8:00 a.m. versus 9:00 a.m. in the Council Order which the Traffic Commission was unopposed to.

Councilor Gilman noted that the resident sticker parking only would be about six spaces. She and Councilors **LeBlanc** and **Nolan** discussed whether there was a real need for six "resident sticker parking only" spaces, and learned from **Bob McKown**, 1085 Washington Street, said that the resident spaces are necessary. **Brett Clayton**, 1080 Washington Street (Lanesville Package Store), he said that his concern that the vast majority of parking violators are out-of-town people, 10 or 15 at a time in a car gone for six hours who then expect service in his store and that it creates difficult situations. He said all this stems from overflow parking for people trying to access the quarries because so many roads around the quarries are now resident sticker parking only, and they'll park as far away as Washington Street just to gain access. He agreed the six resident sticker parking spaces were needed.

During a discussion amongst the Committee and Councilor Gilman about the reserved six spaces for residents, **Councilor O'Hara** said this is a much larger problem than just some restricted parking spaces. This is to protect the businesses and residents and be respectful to them. **Councilor LeBlanc** expressed he was in favor of the initiatives Councilor Gilman was putting forward, and that if once in place and it doesn't work as well as expected, that there is no reason why the Committee can't work with Councilor Gilman and the Traffic Commission to adjust the parking ordinance to work better for the businesses and residents in that immediate area.

Valerie Nelson, 7 Sunset Point Road, suggested resident sticker parking spaces, but expressed concern that a hair salon located in that section of Washington Street has a large out of Lanesville clientele as does The Grind, and that some of these parking restrictions could affect these businesses negatively.

Councilor LeBlanc suggested that Councilor Gilman speak to the salon owner the following day to ensure the number of resident parking spaces is adequate as the public hearing would take place Tuesday evening at the special Council meeting. **Mr. Clayton** suggested the businesses are policing their own customers, and that particular business's customers will know to park in the two hour zone.

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to Amend the Code of Ordinances by ADDING a new Section 22-161.1 entitled, "Same-From May 1 to September 15 and certain days" as follows:

"Upon the following streets or parts thereof, described section 22.275.1 and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two hours at any one time, during the period from May 1 to September 15 of each year, between the hours and on the days so described."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to Amend the Code of Ordinances by ADDING a new Section 22-275.1 entitled, "Same-Between certain hours, from May 1 to September 15 and certain days" as follows:

"Upon the following streets or parts thereof, and when signs are in place giving notice thereof, it shall be unlawful for any person to park a vehicle for a period of time longer than two hours at any one time, during the period from May 1 to September 15 of each year, between the hours of 8:00 a.m. and 5:30 p.m. on any business day, including Saturdays, Sundays and holidays in accordance with Section 22-161.1;

AND AMEND BY ADDING:

"Washington Street southerly side at the intersection of Tucker Street for a distance of 135 feet in a westerly direction;"

AND AMEND BY ADDING:

"Washington Street southerly side from a point beginning 260 feet from Tucker Street for a distance of 100 feet."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to Amend GCO Sec. 22-291 "Tow-away zones" by ADDING as follows:

"Washington Street, southerly side at the intersection of Tucker Street for a distance of 135 feet in a westerly direction;"

AND AMEND BY ADDING:

"Washington Street southerly side from a point beginning 260 feet from Tucker Street for a distance of 100 feet."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to Amend GCO Sec. 22-270.1 "Resident Sticker Parking" by ADDING "Washington Street, southerly side, at a point beginning 135 feet in a westerly direction for a distance of 125 feet, May 1-September 15."

COMMITTEE RECOMMENDATION: On a motion by Councilor O'Hara, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to Amend GCO Sec. 22-291 "Tow-away zones" by ADDING: "Washington Street, southerly side at the intersection of Tucker Street for a distance of 135 feet in a westerly direction for a distance of 125 feet, May 1-September 15."

These five matters will be advertised for public hearing.

Councilor Gilman lauded the efforts of Interim City Clerk, Joanne Senos and Traffic Commission Chair, Bob Ryan for all their help in developing the Code of Ordinances amendments.

The Committee asked that a Request to the Mayor be forwarded asking that the Police Department increase patrols at the quarries in Lanesville and the immediate residential areas due to mounting disturbances and heavy illegal trash dumping.

8. Council President's Request to Review City Clerk Job Description (Cont'd from 05/16/16)

Councilor LeBlanc introduced Donna Leete as the city's new, but returning, Personnel Director. He advised that the Committee reviewed some matters related to the current City Clerk's job description and had proposed some changes at the last meeting they wanted to have incorporated into it. He noted he reached out to the city of Salem and town of Beverly to review their job descriptions for City Clerk which had been received (on file) and forwarded to Ms. Leete as well. He advised that he would like to move forward to firm up the job description and asked Ms. Leete for her input.

Donna Leete, Personnel Director, said the City Clerk job description with the proposed amendments is fine. She noted that the pay grade for the position had been reclassified in the July 2013 reorganization of the City Clerk's Department from an M9 to M10. The Clerk of Committees advised the O&A Committee that when B&F had reviewed the salary level currently in place that they determined there was no need to change the pay grade and made no recommendation. The Committee discussed that they would prefer this job be put back to M9. During the interview process they can look at reallocating the position within the management grades, **Ms. Leete** said, if the Committee felt it was appropriate. **Councilor Nolan** confirmed, as did **Councilor LeBlanc** that they would prefer the job to be at a M9 pay grade which appeared to be more in keeping with pay for City Clerks on the North Shore as the M10 pay grade starts at a bit over \$89,000 which is about \$10,000 over most other like positions.

Councilor LeBlanc asked Ms. Leete to bring back to the Committee a job description with the proposed amendments, and also made mention of additional compensation to the City Clerk through a dog stipend, and discussed how that stipend would be handled moving forward, as the City Clerk receives \$0.75 cents if they opt to, for every dog license issued in the city. He said he would like to see the \$0.75 stay with the City Clerk's office for that department's expenses rather than as a stipend to the City Clerk. He asked Ms. Leete to learn what conditions under which the stipend can be taken, and suggested that General Counsel, whom he had previously consulted on the matter, would be a good resource.

This matter is continued to June 20, 2016.

9. Update to O&A Committee on Dog Ordinance Ad Hoc Committee by Chair, Councilor O'Hara

Councilor O'Hara, noting that most of the Ad Hoc Committee was present, reported that the Ad Hoc Committee was looking at the needs of dog owners and non-dog owners alike. He said the Ad Hoc Committee would like to open up areas for dogs to go unleashed 12 months per year and not in grassy, wooded areas due to concerns for tick infestations where as a community surrounded by water, beaches are a safe haven for dogs and the public. The Ad Hoc Committee he explained, would like to open up three areas for dogs to enjoy the ocean and to be free to be off leash 12 months per year: Crab "Beach" (right off of and below Stacy Boulevard below the Fishermen Wives Statue to the Lucy Davis Walkway accessed by granite steps at low tide), Stone Pier and Lane's Cove. He indicated the Ad Hoc Committee would like to expedite this request given that summer has finally arrived

and dogs benefit from cooling off and swimming just as their owners do. He advised the Ad Hoc Committee is meeting weekly. He said they are continuing to seek out information of the city's dog officers as well. He stressed that he has told the Ad Hoc Committee that they have to be fair to not only dog owners but non-dog owners alike.

Councilor LeBlanc said that he told the Council President that these matters to amend the dog ordinance shouldn't be rushed and that they need to figure out what works. He said Crab Beach is open year round but not considered a beach as it is an area only available during low tide, and so dogs can be there year round. He said they'll need to figure out what to do with Lane's Cove as there is an active boat ramp, private homes and other private areas, so it will need to be more specific as to where dogs can be off leash. Councilor LeBlanc recounted that Stone Pier is unofficially already dog friendly, but O&A needs to hear from the Waterways Board and the Shellfish Warden first before bringing forward any recommendation to the Council. Councilor Nolan offered that he had talked to several residents in the area of Stone Pier who are in favor of opening up Stone Pier to off-leash dogs. In West Gloucester that is an area that makes the most sense, he said. Councilor LeBlanc said that it is an active boat ramp and that they do need to check with the appropriate city boards.

Cindy Dunn, 7 Rose Lane, Ad Hoc Committee member, said that the Ad Hoc Committee is taking a two-tier approach. They recognize that the ordinance is complicated and know that change takes time, and that they wanted to find spots that they could get through quickly and chose the three locations. She said she understood that dogs can be on leash now and swims, and by amending GCO Sec. 4-16a now, it could be put forward to the City Council right away, and the Waterways Board and Shellfish Warden can weigh in to give dogs to swim off leash this summer.

Valerie Nelson, 7 Sunset Point Road, clarified that on Lane's Cove there is no shellfish to be affected. She did point out that the public landing is towards the breakwater and a lot of that beach is privately owned and private residences line the road into Lane's Cove. At the end of Duley Street in Lane's Cove is where most of the dog owners bring their dogs and there is no conflict there, she pointed out.

Steve Ludwick, 24 Clearview Avenue, expressed concern that Council process will prevent the newly proposed off-leash areas from being enacted before summer's end.

Lorraine Law, 7 Jacques Lane, offered that it is a health problem to run dogs in fields where there are ticks.

Linda Brayton, 527 Washington Street, added that the Ad Hoc Committee will come back to the O&A Committee asking for more. She said that Crab Beach would be affected by the 6 foot leash restriction and dogs couldn't be off leash there without an ordinance amendment.

Councilor LeBlanc noted he was in receipt of a memo from General Counsel about private roads and dogs off leash which he would forward to the Committee for their information.

There was a Committee discussion on process of amending the Code of Ordinances. **Councilor Gilman** said she understood doing the formal referral back to the Committee by Council Order, and suggested if at Council, upon voting any amendments such as what has been suggested this evening, that it may be possible for the Council to then declare that an emergency exists by preamble and then vote an emergency measure because this affects the health and safety of the people or their property under City Charter Sec. 2-11(a) and (b).

Councilor LeBlanc said that he would reach out to the Waterways Board and Shellfish Warden in order to ask for their opinion about 12-months per year dogs' off-leash at Stone Pier and Lane's Cove.

A motion was made, seconded and voted unanimously to adjourn the meeting at 7:20 p.m.

Respectfully submitted,

Dana C. Jorgensson
Clerk of Committees

DOCUMENTS/ITEMS SUBMITTED AT MEETING: None.