

**Ordinances & Administration Committee**  
Monday, June 18, 2018 – 6:00 p.m.  
**1<sup>st</sup> Fl. Council Conference Room – City Hall**  
**-Minutes-**

**Present:** Chair, Councilor Steven LeBlanc; Vice Chair, James O’Hara (entered the meeting at 6:05 p.m.); Councilor Sean Nolan

**Absent:** None.

**Also Present:** Councilor Cox (entered the meeting at 6:06 p.m.); Councilor Holmgren; Councilor Gilman (entered the meeting at 6:14 p.m.); Joanne M. Senos; Chip Payson

The meeting was called to order at 6:00 p.m. There was a quorum of the City Council when Councilor Cox entered the meeting.

**1. New Appointments to Boards, Committees & Commissions**

Magnolia Pier Advisory Committee

Liisa Nogelo

TTE 02/14/21

**Ms. Nogelo** conveyed that she grew up in Magnolia and is a Gloucester High School graduate who went on to Wellesley and received her Juris Doctorate at UCLA. Living a mile from where she grew up, she advised she is a practicing attorney in Biotech. She explained that she’s interested in the planning for the Magnolia Pier and has great relationships with all segments of Magnolia society. She pointed out that the Magnolia Pier is an integral part of the Magnolia community.

**Councilor Nolan** expressed his pleasure that Ms. Nogelo has stepped forward to give back to her community and conveyed he was looking forward to working with her, as he also is a member of the newly formed Advisory Committee.

**Councilor LeBlanc** thanked Ms. Nogelo for stepping forward and relayed that the Magnolia Pier Advisory Committee is just that, advisory; and that there may be times when recommendations put forward by that Committee won’t be heeded, but it doesn’t mean that the Council doesn’t appreciate the time and effort put into any recommendation that comes forward from all the Committees, Boards and Commissions.

**Ms. Nogelo** advised she was unable to attend the June 26 City Council meeting. The Committee, in consultation with City Clerk, **Joanne M. Senos**, determined that Ms. Nogelo was excused from appearing before the Council at its June 26 meeting.

**COMMITTEE RECOMMENDATION: On a motion by Councilor Nolan, seconded by Councilor LeBlanc, the Ordinances & Administration Committee voted 2 in favor, 0 opposed, 1 (O’Hara) absent, to recommend that the City Council appoint Liisa Nogelo to the Magnolia Pier Advisory Committee, TTE 02/14/21.**

**Reappointment to Boards, Committees & Commissions:**

Tourism Commission

Elizabeth (Favazza) Osier

TTE 02/14/19

**NOTE:** Ms. (Favazza) Osier was before the Committee for reappointment at this time due to an administrative oversight having been referred to the O&A Committee for reappointment in late winter 2018.

**Ms. Osier** advised that the Tourism Commission hasn’t met in some time having had their Chairperson resign. She reported that Councilor Hecht, is the Council’s appointed liaison, who hasn’t reached out yet to the Commission members, and because there is no chair of the Commission. She indicated she wished to continue as a member on the Commission

Expressing concern on behalf of the O&A Committee, **Councilor LeBlanc** explained that the Committee would convey to Councilor Hecht, the Council’s liaison to the Tourism Commission that if he is unable to take up his duties due to other commitments as Council Liaison to the Tourism Commission that they would ask he consult with the Council President to determine whether he should step aside to allow another Councilor to step in to assist the Tourism Commission. He conveyed that it is important that the Tourism Commission needs to move forward with its initiatives and work in partnership with the Waterways Board. He asked that the Clerk of Committees send an email to Councilor Hecht conveying this information on the Committee’s behalf.

**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 appoint Elizabeth (Favazza) Osier to the Tourism Commission, TTE 02/14/19.**

**2. CC2018-024 (Cox): Amend GCO Ch. 22 "Traffic and Motor Vehicles" Sec. 22-220 "Deposit to extend parking time beyond maximum legal time prohibited" AND Sec. 22-229 "Parking control device" re: shuffling at parking meters and parking meter bags" (Cont'd from 6/04/18)**

**Councilor Cox** explained that the Downtown Development Commission (DDC) has been discussing the issues with parking meters and the meter bags. She read the ordinance which says that any spaces or portions thereof to locate equipment such as dumpsters, jersey barriers or scaffolding require a bag. She conveyed that the Building Inspector has been allowing construction workers to use the bags for their own vehicles -- at times, multiple vehicles not always in front of the property being worked on. She noted that they're not asking to change the requirements of the way the meters are bagged but putting limitations on it so that the meter bags aren't used for construction vehicles. Those vehicles are still able to park on Main Street for two hours, noting there is an anti-shuffling law, she noted. She advised this is reiterating the appropriate uses for the meter bags - scaffolding, jersey barriers, etc., structures used for safety purposes. This amendment is also limiting where the meter bags may be located, that is, directly in front of the work site thereby eliminating the commercial vehicles. It should be limited to no more than three bags per day for a maximum of two consecutive weeks; should it go beyond that it will be at the discretion of the Building Inspector with some communication with the businesses so that it doesn't inhibit adjacent businesses customers' ability to park on Main Street. She pointed out that some of the proposed changes is housekeeping -- in Sec. C, they struck "Tally's Corner" because it is not that location's official city name; it is a nickname. The costs associated with meter bags are unchanged, she added, just adding structure to the ordinance.

**Councilor LeBlanc**, noting he was a contractor, pointed out that there are unforeseen problems that happen when undertaking renovations that extend the time on a site; and a lot of the downtown buildings are brick and mortar -- with sustained rain, work has to stop. **Councilor Cox** advised that the DDC is okay with eliminating the two consecutive weeks but it has to be within reason as they don't want to be construction "unfriendly," but want the limit of the placement of meter bags to just in front of the building under construction/renovation. When questioned hadn't this always been the way the meter bags were handled, **Councilor Cox** responded, "No," that it has been chaotic with vehicles parked in bagged spots.

**Councilor LeBlanc** and **Councilor Cox** discussed the particulars of having a parking space with a commercial vehicle in front of scaffolding on the sidewalk. Councilor Cox highlighted that the reason for the meter bags is that the space is reserved for safety reasons where there is scaffolding present, or jersey barriers. **Councilor LeBlanc** expressed concern for construction workers unable to park in front of a site under construction/renovation and move the vehicle to another parking space on Main Street. **Walt Kolenda**, 4 Myrtle Square, member of the DDC, advised that the spots they're speaking of at times had three to five meter bags with an additional two to four plus a loading zone area from November to May all day. Much of the time, he pointed out, those spaces remained empty or at times there were only personal vehicles of the construction workers. He conveyed if there had been parking for only a couple of hours a day at least the adjacent businesses' customers could park near their place of business. **Councilor Cox** added in this particular situation there was no scaffolding or dumpster. These ordinance amendments are adding structure, she reiterated, pointing out that anyone can legally park at a meter for two hours and that isn't changing. At this time meter bags can be obtained for any reason for as long as anyone wants. She reiterated the purpose for a meter bag is for the use of jersey barriers, dumpsters and scaffolding which is the only reason there should be meter bags in use; it's always been in the ordinance.

**Councilor LeBlanc** asked if the DDC reached out to the Building Inspector. **Mr. Kolenda** advised the Building Inspector reported the DDC had done so. **Councilor Cox** pointed out the ordinance never allowed parking of commercial vehicles. It was done for safety reasons, she advised. **Councilor LeBlanc** conveyed this will create less parking. **Mr. Kolenda** expressed his disagreement. **Councilor Cox** advised as Council Liaison she worked with the DDC on this initiative. **Councilor LeBlanc** added they're trying to be business friendly. **Mr. Kolenda** recounted there shouldn't be a need for more than one space in front of a building under construction. **Councilor Cox** recounted for the Committee that there is no limit as to the time a bag can be utilized.

**Councilor O'Hara** conveyed he understood there are abuses. Scaffolding today has safety netting required by OSHA regulations; but if the legs of the scaffolding are in the parking space, there should be a jersey barrier to protect the scaffolding and the parking spot should be prohibited by the use of a meter bag, or a dumpster which is an obstruction. For the benefit of the store owners, they should limit the number of meters that are taken out of service. **Councilor Cox** pointed out that there could be a dumpster in front of a business and the construction company could

buy five meters bags spread out on either side of the dumpster at this time. She expressed she understood the need to unload vehicles at construction sites, but the fact is they can go to get two bags for dumpster and scaffolding and then obtain five more just for parking vehicles on either side of the obstruction. She further expressed her understanding that equipment needs to be off loaded and loaded at the site, and if a vehicle wants to park for two hours at a Main Street parking space they can. **Councilor Cox** asked for a legal opinion as to city liability if a vehicle was parked in the parking spot and something happens with the vehicle as a result of something, for instance, falling from the building under renovation. **Chip Payson**, General Counsel, summarized that the Committee is considering whether the intent of the bags in the ordinance is for protection and safety measures or whether the bags are designed to accommodate construction workers' vehicles. He suggested that the meter bags were designed for safety reasons and is why they're placed -- to block spaces that may run a risk of damaging a vehicle or person. These are fact dependent situations, and he pointed out he can't speculate on what the legal ramifications could be. He suggested that if something happened any good lawyer would sue everyone, one of which would likely be the city.

**Councilor Nolan** advised he agreed with the ordinance amendments having seen the abuse, particularly in front of Mr. Kolenda's store, saying it is a "Wild West" situation and understood why the DDC asked this initiative to be brought forward. There is an issue, he noted, and businesses want this change. He conveyed he couldn't see why they shouldn't try it.

**Councilor LeBlanc** conveyed he would put this forward but suggested this may cause more problems than it solves. He conveyed he didn't want to make it unfriendly to current Main Street businesses but also didn't want to make it unfriendly to someone who wants to purchase and renovate a building or a current business owner who needs to renovate in order to update their building.

The Committee asked that the Building Inspector be present for the City Council Public Hearing. **Councilor Cox** advised the Building Inspector was aware of this initiative.

**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 Chapter 22 "Traffic and Motor Vehicles", Sec. 22-220 "Deposit to extend parking time beyond maximum legal time prohibited" subsection (c) as follows:**

(c) In order to regulate the practice of shuffling cars from one metered space to the next throughout the workday within the downtown area from Main and Spring Streets to ~~Tally's Corner at~~ the intersection of Main Street and Washington Street, once a meter expires it shall be unlawful to park the car in another metered space within the area all days except Sundays and holidays between the hours of 9:00 a.m. - 6:00 p.m.

**Councilor Cox** and **Councilor LeBlanc** discussed briefly the fees involved in the ordinance. It was noted that Legal has been working on the ordinances with Councilor Cox because they were cleaning up this portion of the Code of Ordinances under the MuniCode legal review, so Legal had advised certain changes that needed to be made. **Councilor LeBlanc** informed the Committee he will vote this matter forward to the Council but reserved the right to change his vote at the time of the public hearing.

**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 Chapter 22 "Traffic and Motor Vehicles", Sec. 22-229 "Parking control device" subsections (a),(b),(c),(d), and (e) as follows:**

- (a) Any ~~contractor working in the downtown area parking in a metered parking space while performing their work shall pay \$10.00 a day per metered space. A fee of \$10.00 shall be paid for each space used including but not limited to~~ spaces or portions thereof used to locate equipment, such as dumpsters, jersey barriers, or scaffolding but not work vehicles shall pay \$10.00 per metered space. Each space shall be reserved for the day by covering the meter with a bag issued by the building inspector's office.
- (b) Each space shall be reserved for the day by covering the meter with a bag issued by the building inspector's office and must be located directly in front of the work site.

~~(bc)~~ Each bag shall cost \$5.00 per day. One bag may be used for multiple days and each bag shall have the time period and an expiration date inscribed thereon.

(d) No more than three bags a day shall be provided per work site for a maximum of two consecutive weeks.

(e) At no time shall the use of parking spaces under this section unreasonably interfere with traffic.

These matters to be advertised for public hearing.

3. ***CC2018-028 (Memhard): Amend GCO Ch. 22 “Traffic and Motor Vehicles” Sec. 22-269 “Stop intersections” be Amended by ADDING “Traverse Street at its intersection with Haskell Street (TBC to 07/16/18)***

This matter is continued to July 16, 2018.

4. ***CC2018-029 (Holmgren): Request Traffic Commission review the matter of limiting amount of time & locations that commercial box trucks are allowed to park on public streets (Cont’d to 07/16/18)***

This matter is continued to July 16, 2018.

5. ***Memorandum from General Counsel re: MuniCode Ordinance Review & Recommendations for Gloucester’s General Code of Ordinances & Gloucester Zoning Ordinance***

**Mr. Payson** recounted the on file comprehensive review of the General Code of Ordinances by MuniCode which is the entity that the city uses to put the Code on line on its website. This is a 25 page memo (on file) with suggested changes to clean up the ordinances. When he printed out the Code of Ordinances that goes with the 25 page memo, there are significant changes to some of the ordinance sections. He advised there are two parts for amending the Code of Ordinances -- those that are fairly easy to deal with, for which he gave several brief examples, and a second group where there are recommendations putting in parameters or the need to make more clear the intent of the ordinance. He proposed that by the next O&A meeting (July 16), he will divide these two areas to those that are the “low hanging fruit” which the Committee can take up first” and then put more time and effort for those Ordinance sections which will take more time. There is no timeline with MuniCode, and is just a matter of moving it through Council, he advised. He conveyed he will provide an update on the second group of changes at the next O&A meeting as well as well as current ordinances associated with the memo’s suggested changes.

This matter is continued to July 16, 2018.

6. ***CC2018-030 (Holmgren/Nolan): Request O&A & B&F examine the potential of raising the Stage Fort Park non-resident access fee and explore the potential of opening a fund/account to designate a portion of the fee to ready Stage Fort Park for the Quadricentennial celebration in 2023***

The Committee discussed with Councilor Holmgren and Nolan their concept for increasing non-resident parking fees for Stage Fort Park as a way to assist in underwriting the city’s ability to make improvements to Stage Fort Park in order to ready it for the city’s Quadricentennial celebration in 2023. Councilor Holmgren pointed out that she and Councilor Nolan approached Mike Hale about raising the non-resident parking fee so there is parity between Stage Fort Park parking and Good Harbor and Wingersheek Beach parking. Stage Fort Park offers many more amenities, both Councilors pointed out, it is only fair that since the DPW maintains the park and they want to get it groomed and ready for the Quadricentennial that raising the fee. These fees would be placed in a special fund or a Revolving Fund for that purpose, Councilor Holmgren noted.

**Councilor LeBlanc** relayed his belief this was a good concept but that it was more of a Request to the Mayor.

**Councilor Cox**, responding in her role as Chair of the B&F Committee who also had this Council Order referred to her Committee advised that she was not necessarily in favor of this in terms of earmarking funds for specific purposes is actually difficult to do. She suggested they could raise the price of non-resident beach parking through the Beaches and Stage Fort Park Regulations, but that is a Request to the Mayor. It isn’t something that starts with the Council; changes are brought forward on the Public Works Director’s recommendation through the Mayor who then gives it to the Council for its consideration and vote. She pointed out that it is up to the Administration to earmark specific funds. The Mayor’s Office can commit to a certain level of funds, but the Council can’t. If they want

to raise the non-resident rate, she cautioned that residents will fall under that umbrella because if a resident doesn't buy a beach sticker, and infrequently uses Stage Fort Park, as an example, and go the park, they will be made to pay the non-resident fee when accessing the parking lot, not just out-of-towners. And not everyone gets a beach sticker for each family vehicle, she pointed out. She suggested that this would force residents to pursue the purchase of a beach sticker they may not necessarily need or want.

**Councilor Nolan** advised he talked about this matter with Mr. Hale, with Mr. Hale advising him that he can't continue with the fees at the level they are at now because Stage Fort Park because people leave behind their trash; and the trash clean-up has become costly. The amount of people that can get into a car and take advantage of all the park's amenities, it makes no sense that this parking lot is not at parity with the other beach parking lot fees. He suggested that the Mayor could try to allocate the funds to a specific fund, noting that the Stage Fort Park Advisory Committee meets monthly to work on the Park's improvements but that without funding nothing can be done. He conveyed he was in favor of raising the fees at the beaches. **Ms. Senos** confirmed that it would be the DPW Director to put forward any Beach or Stage Fort Park fees. **Councilor Cox** noted that the Mayor has to commit to funding the 400<sup>th</sup> Celebration; and however they make that happen, it is up to the Administration.

**Councilor LeBlanc** advised that this is more of a Request to the Mayor and that Councilors Nolan and Holmgren should work with General Counsel and the DPW Director on this matter.

**Councilor O'Hara** pointed out that there were high tides this weekend and so much of the beaches were covered by water. He pointed out that the ballast stones on Cressy Beach could be removed as they are not native stones and was a recommendation that he put forward to the Mayor which would ease some of the other beach parking issues.

**COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor Nolan, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2018-030 (Holmgren/Nolan): Request O&A & B&F examine the potential of raising the Stage Fort Park non-resident access fee and explore the potential of opening a fund/account to designate a portion of the fee to ready Stage Fort Park for the Quadricentennial celebration in 2023 without prejudice.**

Councilor Cox left at 6:58 p.m.

7. *CC2018-018 (Gilman/Memhard/O'Hara) Placement of question on ballot for a special election to be held in 2018 which would state, "Shall this city adopt the following ordinance? Consistent with MGL c. 94G, sec. 3(a)(2) non-medical marijuana retailers as defined in MGL c. 94G, sec.1 shall be limited to one (1) within the City of Gloucester (Cont'd from 6/04/18)*

**Councilor Gilman** asked to withdraw CC2018-018 with the knowledge of her co-sponsors of the Council Order and read a statement (placed on file) as to her reasons why she felt it was appropriate to move forward with the Zoning Ordinance amendments and help to craft them in her role as Planning & Development Committee Chair. She also highlighted that moving forward she will work to attend various informal situations to work to educate the community about recreational marijuana especially concentrating on the city's youth. She pointed out she had been a proponent of medical marijuana as evidenced by her voting in support in her first Council term, and is respecting the wishes of city voters who voted by 56.5% in favor of recreational marijuana in November of 2016.

**COMMITTEE RECOMMENDATION: On a motion by Councilor LeBlanc, seconded by Councilor O'Hara, the Ordinances & Administration Committee voted 3 in favor, 0 opposed, to recommend that the City Council permit the withdrawal of CC2018-018 (Gilman/Memhard/O'Hara) Placement of question on ballot for a special election to be held in 2018 which would state, "Shall this city adopt the following ordinance? Consistent with MGL c. 94G, sec. 3(a)(2) non-medical marijuana retailers as defined in MGL c. 94G, sec.1 shall be limited to one (1) within the City of Gloucester without prejudice.**

**Councilor LeBlanc** advised that originally he was on board with this effort, but seeing what other cities and towns are doing, and the need for revenue to the city, he offered his thanks to Councilor Gilman to seeing the potential of what the city can do.

8. *Memorandum from Mayor re: recreational marijuana recommendations: That the Council vote to limit the number of marijuana retail establishments in Gloucester to three (3); and that the Council adopt an*

*ordinance governing marijuana accessories as well as an ordinance authorizing Board of Health to inspect edible marijuana products to be drafted by General Counsel (Cont'd from 6/04/18)*

**Mr. Payson** advised that there is one last piece which is the Board of Health inspection. The Board was supposed to review that on June 7, but there were follow-up questions; so it isn't yet ready to be presented to the Committee for its consideration. He asked the matter be continued to the next meeting.

This matter is continued to July 16, 2018.

**A motion was made, seconded and voted unanimously to adjourn the meeting at 7:05 p.m.**

**Respectfully submitted,**

*Dana C. Jorgensson*  
Clerk of Committees

**DOCUMENTS/ITEMS SUBMITTED AT MEETING:**

- **Written Statement by Councilor Valerie Gilman upon the request to withdraw CC2018-018.**